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Studies in the Evolution of Dominion Status

The Governor-Generalship of Canada
and
The Development of Canadian
• *Nationalism*

by
GWEN NEUENDORFF
M A , PH D •

With a Foreword by
HAROLD J LASKI

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MATRIS
IN
MEMORIAM

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FOREWORD

A great essay is one day to be written on the massive contribution made to the constitutional experience of mankind by the British Commonwealth of Nations. The passage from subordination to equality, the maintenance of unity in the midst of variety, the association of coherence in function with indefiniteness in structure, all of these are unique in both their importance and their significance. They have to be read against the background of an effort constantly made, and as constantly failing, to embody in the stiff dress of juristic categories a spirit too rapidly changing to be reduced to the rigid formulæ of law. To discover the meaning of this experiment and, above all, to estimate the value it has for those international relationships which have still to find their appropriate institutions is one of the most interesting tasks before the student of politics.

To its completion Dr. Neuendorff has, I venture to think, made a contribution of real distinction. Her two essays show how an institution develops a logic and a habit of its own not less able to shape the men who work it than it is shaped by them. She makes us see the living reality behind the forms of an office the evolution of which no one directly willed to have the form it has assumed, and she makes us see why the character it possesses was made by impersonal historical forces the power of which was rarely seen by those they influenced. It is particularly interesting to see Canadian nationalism through the eyes of a citizen of South Africa. Some of the emphasis of this book, above all its assumption that what the Governor Generalship of Canada has come to be it was bound to become by, as it were, an imminent law of its own being, reflect an outlook upon the implications of which it would be tempting to comment. It is noteworthy, too, that where an eminent Australian student of these matters, Mr. H. V. Evatt, lately a judge of the High Court of Australia, and, at the moment, the Minister of External Affairs in the Curtin government, is anxious for close definition of the royal prerogative, Dr. Neuendorff is led as strongly to the opposite conclusion. I have not, fortunately, to comment here upon the difference

between them. But it is, I think, worth pointing out that the power of the Commonwealth to act as a unity in times of crisis is in its essence built upon the fact that the unity comes from a free choice freely exercised and that the secret of that free choice lies in the certainty that the Crown will accept the advice of its Dominion Prime Minister with the same graceful neutrality as it accepts the advice of the Prime Minister of Great Britain. Dominion Status has reached a point where the Governor General is successful just because he acts upon the ceremonial plane only. A wise Viceroy does not need more than the influence which wisdom will confer, if he seeks more than that he ceases to be a wise Viceroy. That the Crown may continue to do no wrong, it must accept the position of the most dignified spectator of a drama in which it must never seek to be an actor upon the stage.

But I must not come between Dr. Neuendorff and her reader. Her book, I am confident, will be welcomed as a judicious contribution to a subject it is not easy to handle with both confidence and precision. She has made available a very useful mass of material to the student of these matters. One of the privileges of a university teacher is to see his pupils strike out a line of their own. I am grateful to Dr. Neuendorff for making the task of academic supervision as instructive as it has been easy.

HAROLD J. LASKI

PREFACE

In writing this book I have had both the disadvantage and the advantage of being a South African. The disadvantage has been that, having no experience of Canada beyond a stay of a couple of months, I have been ignorant of many matters which are commonplaces to Canadians, the advantage has been that it has required no great effort to see Canadian political history with detachment, and, at the same time, through my long roots in a sister Dominion, I have understood what may be called (by the hazardous process of generalization) the Dominion, as opposed to the Imperial point of view.

My thanks are due for help received from the staffs of Canada House and South Africa House, both of which did much to make obscure, unprinted facts available for me, also to the staffs of the Colonial and Dominions Office Library, the Public Records Office, the British Museum, and the London offices of the *Sydney Morning Herald* and the *New York Times* for placing material at my disposal. I also wish to express my thanks to Miss Gladys Newton for assistance in the dreary task of compiling the index, to Mr K. B. S. Smellie for advice, and, above all, to Professor H. J. Laski for his never failing kindness and encouragement in all stages of the work. The opinions expressed are, of course, my own.

I acknowledge too, with gratitude, the help afforded me by the University of London which, having accepted this book originally as a Ph.D. thesis, has now contributed generously to the cost of its publication.

GWEN NEUENDORFF

CAMBRIDGE
December, 1941

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PART I

THE GOVERNOR-GENERALSHIP OF CANADA

If one cannot achieve real political greatness, to be the King's representative is surely the best possible substitute

"CRITIC "

New Statesman and Nation.
17th February, 1940

CHAPTER I

THE NATURE OF THE GOVERNOR-GENERAL

Indeed a governor-general must neither imitate, nor follow nor create. He must do as he is told—must be seen and not heard—otherwise under the rules of the imperial conference of 1930, he must return whence he came.
(W. P. M. Kennedy, *Can Hist Review*, 1937, p. 315.)

Acting as shock absorber between colonial autonomy and imperial control the function of governor might not be spectacular—it was none the less essential. No longer able to issue orders, the governor must now be able to convince.

(W. M. Whitclaw, *Can Hist Review*, 1932, p. 370.)

CHAPTER I

THE NATURE OF THE GOVERNOR-GENERAL

The change in the nature of the Governor-General in the last century, if less striking, because of his less elevated position, than the change in the nature of the King since Stuart times, has been for the Dominions of pivotal importance and quite as vital for the form of their development. Just as the Act of Settlement, by making Parliament the decisive force in England instead of the King, saved the country from revolution and made the Monarchy more secure, so the firm acceptance of responsible government in Canada made possible the development of an analogous parliamentary system to that of England and kept Canada within the Empire. And where Canada has led, the other Dominions have followed.

The story of the struggle for responsible government in Canada has been often and ably told—the failure of representative government in the inevitable conflict between legislature and executive, Lord Durham's Mission and Report, the passing of the Act of Union in 1840 and the greater or less (mostly less) amount of success in carrying out the tenets of responsible government by Sydenham, Bagot, and Metcalfe, and its ultimate deliberate adoption by Elgin.

It would be a mistake to assume that thereupon "they lived happy ever after" or that the implications of responsible government were fully grasped. A study of colonies under responsible government during the last century shows that for its working a delicate balance of interacting forces has been necessary. The ideal working implied —

(1) The Colonial Office must be willing to allow the Colonial Government to do as they liked in internal administration, even if their policy seemed ill-advised or actually dangerous to themselves. There must be no attempt by the Office to save the colonial politicians from the distressing results of their own unsatisfactory administration. When the Empire was affected,

on the other hand, or the relationship of the colony with foreign countries, the Colonial Office was free to interfere and control.

The practice was not always in keeping with the theory. There was often interference in purely internal affairs, tending to grow less frequent with the passage of years but never predictable and depending on the personality and politics of the Colonial Secretary, and also to a large extent on the permanent head of the Office.

(2) It further implied that the colonial politicians, press, and people must be willing to abide by majority rule and allow a parliament to pass laws which they profoundly disliked, without going beyond constitutional protest. There must be no appeal to the Mother Country to interfere as soon as affairs took a turn displeasing to the minority.

This lesson took a long time to learn.

(3) Finally, it implied that the Governor General must give equal confidence to any party which might command a majority in the Assembly. He must put aside all distaste at having advisers who were thought to be lukewarm or opposed to the British connection, and not think a radical Government or, in Canada, a largely French one, *ipso facto* traitorous and unacceptable to the Governor General as a loyal servant of the Crown. Further, he must act as a quasi-constitutional monarch and must not hesitate to put himself in the background and give up power for influence.

Of all the requisites for responsible government this has proved the most difficult. Some Governors have refused to comply fully, and many writers have failed to recognize that in internal matters, under responsible government, the Governor-General must be a substitute King. But far more fruitful of difficulty has been the unavoidable ignorance of the true position of the King, combined with confusion of thought, extending even to entertaining side by side mutually contradictory propositions, on what the position of the King should be. Like the Bible, the pronouncements of constitutional authorities have often been capable of whatever interpretation seemed most pleasing to the reader.

It is scarcely surprising, therefore, that even in Canada, which has had a very much less eventful constitutional history than some other colonies, there have been, since Elgin's time, two instances

of conflict between Governor-General and Cabinet over dissolution, one over the obligations of the Dominion Government to British Columbia, one over appointments made by a Prime Minister after his party had suffered defeat at an election, and one over the dismissal of a Lieutenant Governor of Quebec

In view of the difficulties of knowing, then, just what the Governor-General stands for in theory, we turn our attention first to this problem, leaving for subsequent chapters the study of the practical problems of co-operation between Governor-General, Colonial Office, and colonial politicians

Ever since Elgin's day, the Governor-General has been recognized as acting under the necessity to model his behaviour on that of the King as far as purely internal administration is concerned, but until 1926 he was, at the same time, in the anomalous position of being subordinate to the Colonial Secretary. Since 1926 he has lost all connection with the Office, and is no longer "one who lives by the fluctuating favour of a distant authority"¹ He is now defined as

*the representative of the Crown holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain and he is not the representative or agent of His Majesty's Government or any Department in the Government*²

According to orthodox theory, in short, the Governor-General is the complete equivalent of the King in his Dominion. The naivete with which this pronouncement has been received by some would lead the unwary to expect that the situation could be simply expressed thus —

$$G-G = K$$

$$\text{Now } K = x$$

$$\therefore G-G = x$$

Actually there are two great obstacles to this easy deduction. First of all, $G-G$ does not $= K$, but only something rather like K , and second, it is only true that $K = x$ if we take x as meaning literally an unknown quantity. Which removes the whole affair from the realm of mathematical certainty.

Let us attempt a brief survey, then, of the theory subject-matter which so many erudite books have been written, and so many

¹ W. Bagehot *The English Constitution* p. 236

² Cmd. 2768, 1926. See *post*, pp. 229-231

conflicting opinions expressed, namely, what the x stands for, that is, what are the real powers of the King?

The King has a number of well-defined constitutional duties which theoretically at least, are beyond argument, it is some of his privileges which are still uncertain. His first clear duty is to be politically impartial.

The Crown does not know because it is above party considerations, so long as the Prime Minister can form a Cabinet with a majority in the House of Commons it is theoretically a matter of indifference from what directions that majority is obtained.¹

Since Queen Anne's time the King has taken no part in Cabinet meetings and his right to know the differences of opinion of its individual members is highly doubtful. Queen Victoria claimed that Melbourne, Peel, Russell, and Beaconsfield gave her this information (the last certainly did). Gladstone nevertheless remained adamant in his refusal to comply. Edward VII found out individual opinions indirectly through his Secretary, Lord Esher,² and his successors have quite likely followed his example. Direct impartation of such information will depend on personal factors and one would be rash to prophesy that no future Queen will find a Disraeli.

Though theoretically above party, the Monarchy has, in fact, never been impartial. By training and tradition the King is essentially Conservative even when, like George IV or William IV, he showed Whig leanings before accession. Queen Victoria's dislike of Gladstone—which F. M. Hardie says was fundamentally caused by the incompatibility of her Conservatism and his Liberalism³—is notorious. A constitutional ruler when a Conservative Government was in power, she became actively interfering as soon as Liberals took over and deliberately thwarted and embarrassed them whenever possible. She is called by Dr. Jennings "a kind of external leader to the (Conservative) Opposition caucus" in the latter half of her reign. Her successors, though not so blatantly partisan, and indeed equally friendly towards whatever party has been in office, have been definitely Conservative. George V's well known fondness for Ramsay MacDonald is no evidence to the contrary, or Lord Esher's statement that the King was sorry to lose MacDonald, and that

¹ H. J. Laski, *Crisis and the Constitution*, p. 14.

² H. J. Laski, *Parliamentary Government in England*, p. 339.

³ *The Political Influence of Queen Victoria* p. 117.

Radicals and Socialists are so much nicer to Sovereigns than Tories,¹ seeing how easily MacDonald succumbed to the "aristocratic embrace" and that the Monarchy is, in general, as much revered by Labour as by other parties

A corollary of the King's impartiality is his duty to refrain from correspondence with the Opposition, except of a social kind. Queen Victoria's tendency to offend against this rule was cut short by Melbourne, permitted by Salisbury, and actively encouraged by Disraeli in Opposition. Edward VII arranged to be kept informed of the views of the Opposition through Lord Esher and in 1909 corresponded with them through the Archbishop of Canterbury to the extent of discovering whether Balfour would take office if dissolution was refused to the Government.²

The King's secretary is an exception to the rule that the King must rely on the advice of his Government. He need not be a Privy Councillor and is not a Civil Servant and is therefore bound by no consideration apart from his desire to serve the King. His importance can scarcely be over-emphasized and Professor Laski characterizes him as "Keeper of the King's conscience".³

In spite of the King's duty not to seek advice from the Opposition, it is considered essential that he should show courtesy to them, as indeed to all men, and never display ill-humour or attempt to pay off old scores. There is no surer way to win popularity than to fulfil Lord Carnarvon's requirements for a colonial Governor and be an "English gentleman in the fullest sense of the term".⁴ Yet Queen Victoria's social discrimination against those she disliked in or out of the Government, and her open criticism of Gladstone when he was her Prime Minister, and Edward VII's refusal of hospitality to Lloyd George because he disapproved of his speeches, all show that this requirement of kingly graciousness is honoured in the breach as well as in the observance.

It is further considered meritorious for the King to lessen party bitterness and disputes between the Houses, though he is not expected to act as umpire. Queen Victoria in 1867, Edward VII in 1906 and 1909, and George V in 1913-14 are examples of this. *Coalitions have always been the pets of English*

¹ *Journals and Letters*, vol. iv, p. 297

² *Ibid.*, vol. ii, p. 442

³ *Parliamentary Government in England*, p. 419

⁴ *The Nineteenth Century*, December, 1888

kings The King must always, nevertheless, secure the consent of his Ministers to interview leaders of the Opposition and in 1909 Edward VII had some difficulty in obtaining his Government's agreement for an interview, even though he stressed that it was their views and not their advice which he wanted to hear In 1931 the King saw the leaders of the Opposition parties on the advice of the Prime Minister

It is a constitutional monarch's clear duty to remember that, in spite of any advantage he may have over his advisers through the length of his reign and experience, his training has unfitted him from appreciating more than a limited number of points of view or from being a good judge of what the best policy would be The last word cannot be his Though he may freely offer advice he must in the last resort give way "Queen Victoria's last resort was sometimes rather far away"¹ but her successors, though by no means passive, seem to have been more reasonable

The King's Speech is not his but that of his Government In the unsympathetic words of Goldwin Smith, he serves as a "ventriloquial apparatus" for his Prime Minister² Disraeli told Queen Victoria that the speech from the throne was her own,³ but this is considered very unsound theory, although she is known to have had a speech modified on occasion⁴ Purely personal references in a speech from the throne are not considered under ministerial control

The King is expected to act as the patron of all sorts of charitable and philanthropic institutions as well as encouraging sport In Victoria's day welfare work was not considered to fall within the monarch's province and she herself was more concerned about foreign than domestic policy, but this becomes an increasingly important interest for the King to show, albeit a too sincere interest is by the very nature of the King's upbringing unlikely

As much for his own guidance as for his reputation, the King's friends should be sensible and sober minded, though there is no reason, apart from his own choice, why they should generally be members of the aristocracy It is very desirable that he should not represent smart Society but should rather be a model of middle

¹ W I Jennings *Cabinet Government* p 281

² *Canada and the Canadian Question* p 148

³ F M Hardie, *The Political Influence of Queen Victoria* p 76

⁴ *Essex Journals and Letters* vol 1 p 78, and Hardie *op cit*, pp 134-5

class domestic virtues—though a mistress is more tolerable to the official heads of church and state than an unsuitable wife—and a family make excellent propaganda for the monarchy. Neither should the King be “advanced” in his ideas. Whatever his attitude to religion he must, of course, be a member of the established church, he must take communion at his coronation, if he neglects his religious duties he must not be unduly surprised at being pulled up publicly.

Ceremonial and pageantry are the breath of kings and, for complete success, the monarch should be impressed with them himself. Edward VIII lost popularity through his dislike of ceremonial, going to open Parliament in a car and breaking off a presentation ceremony through a shower.

While in some respects less free than his humblest subject, the King is in a paradoxical position, for his powers are considerable. In the words of Professor Laski —

*It is clear enough that a monarch who takes his duties seriously is a force to be reckoned with in our system.*¹

Some of his privileges are as well-established theoretically as his duties. The duty of the King to give in eventually to his Cabinet has its counterpart in his right to press his views on them, his right in Bagehot's famous phrase, to be consulted, to encourage, to warn.² On really important issues—but who is to decide which issues are really important?—the King must be consulted and be given full information before vital decisions or declarations of policy are made, so that he may have good opportunity to modify policy, if he can. The amount of his influence will depend on the strength of the King. Queen Victoria is now known to have claimed and exercised an enormous influence and while the part played by her successors is still obscure, it is clear that the influence of the monarchy has been both negative in discouraging the introduction of legislation of which the King might disapprove, and positive in many spheres, as for example, King Edward VII's influence over army and naval policy.³ But whereas Queen Victoria's method was that of frontal attack, her successors seem to have preferred to work indirectly through their secretaries in bringing pressure to bear on their Cabinets.

¹ *Crisis and the Constitution*, p. 31

² *The English Constitution*, p. 75

³ H. J. Laski, *Parliamentary Government in England*, p. 398

In Victoria's day, she was kept aware of the minutiae of Cabinet business and devoted her life to mastering the details. Subsequent monarchs, although more easily accessible than the Queen, with her fondness for Balmoral and the Isle of Wight, have not been kept in touch with the intentions and decisions of the Cabinet to anything like the same extent even on subjects in which the King has been genuinely interested, in foreign, though more frequently in domestic policy,¹ partly because of the enormous growth of business, making complete supervision impossible for one person and partly because more recent kings have been more actively employed in other interests and also because recent Prime Ministers, at least, have increasingly discouraged the Crown's interference, and reduced its powers (The Regency Act, for example, deprives him of a power exercised even by Governors General for short periods, namely, the appointment of deputies)

What influence has the King over foreign policy? Queen Victoria's influence is known to have been great on many occasions. She more than once did her best to avoid war but over the Eastern Question of 1876-8 she might very well, in Hardie's opinion, have landed England in war, after having "backed the wrong horse," or she might have abdicated had not Disraeli managed her very cleverly.² Hardie also points out that there were periods when her influence counted for nothing. Her influence in foreign affairs was largely a family interest, he says,³ and this explains why, since the Great War, at least, the influence of the monarchy over foreign policy has so much declined now that Europe's titular rulers are no longer practically all of one family. Edward VII's supposedly great influence over foreign policy and his great diplomatic skill have been exploded and it is now generally held that what he chiefly did was to encourage friendship with France and widen the rift with Germany. In the last few years the vital decisions in foreign policy arrived at by Mr Chamberlain seem invariably to have been communicated to the King *afterwards*. In Professor Keith's view, the authority of both parliament and King is bound to be diminished when the Prime Minister takes to diplomacy.⁴ The King's right to

¹ A. B. Keith, *England from Victoria to George VI* p. 113

² *Op. cit.*, p. 163

³ *Ibid.*, p. 142

⁴ A. B. Keith, *England from Victoria to George VI* p. 151

prior consultation is undoubted, even though his influence in this sphere is, in the words of Professor Laski, "a legend without even the power to edify"¹ Would it remain a legend if the King had advisers who intended taking a strong line of policy on ideological grounds of which he most heartily disapproved?

Once the Cabinet has decided on policy the part played by the King becomes the Cabinet's responsibility and in no case can he be blamed for it. But this doctrine of Cabinet responsibility can be carried too far and it is stated *ad nauseam* that if a King exercises his prerogatives or performs any public act whatever, his Ministers must be responsible for it. On this point Dr Jennings has something wonderfully refreshing to say —

to suggest that the House can demand an explanation for a personal act of the Monarch from a Government which had nothing to do with it or that the House will censure a Government for an act which the King decided upon in the exercise of his personal prerogatives, is nonsense. If a Government acquiesces in a royal act of which it approves it is answerable for its acquiescence. If it does not so acquiesce but resigns, and a new Government is formed the only question is whether that Government has a majority at the next election. Nor can the fiction protect the King from attack. A King who insists on a dissolution, or what is really the same thing, compels the resignation of ministers, will be attacked as a partisan in the House and in the country.²

Queen Victoria's interference in patronage was constant, especially in ecclesiastical appointments, and she had a large control over the appointment and withdrawal of ambassadors. It is not likely that her successors have interfered to anything like the same extent, but our knowledge here is small. Edward VII, at all events, played a considerable part in appointments to the army and navy. The right of the Monarch to have an extremely distasteful nomination withdrawn is beyond doubt but his influence over appointments, as in other spheres, will be largely determined by his relationship with the Prime Minister.

One of the most undoubted rights of the King is the choice of the Prime Minister. This applies not only in those instances when a Prime Minister, having been defeated in the House, resigns, and may be said to have forfeited the right to His Majesty's ear, but in all cases. There are the oft-quoted examples of Queen Victoria's choice in 1894 of Rosebery and George V's

¹ *Liberty and the Constitution* p. 31

² *Cabinet Government*, p. 340

choice of Mr. Baldwin in 1923. The 1931 incident, when the King asked Mr. Ramsay MacDonald to remain Prime Minister, although he was subsequently supported by only a fraction of his former followers, in a Cabinet chiefly of Conservatives and Liberals, which the King personally used all his influence to form, has been subjected to various interpretations. Professor Laski holds that the part played by the King was so great that the affair merits the title of a "Palace Revolution,"¹ and calls Mr. MacDonald "the King's favourite, a person, not a representative leader"² while others, among them Mr. Sidney Webb, contend that, in view of the circumstances, the King's action was perfectly constitutional. As all the facts are not available, we must for the present suspend judgment.

More recently the King has been said not to have exercised too much initiative, but to have been robbed of his due share. This has been in connection with the assumption of office by Mr. Chamberlain, whose appointment was "generally understood" months before the resignation of Mr. Baldwin. In the words of Professor Keith—

There was no suggestion of renitence in advising the Crown as to his successor; it was clearly announced in the press before the event of his resignation not only that he would advise the selection of Mr. N. Chamberlain, but that the advice would be acted upon. There is certainly no parallel for such a position.³

It is possible to hold that the King's opinion was secured in advance, and, as the choice of Mr. Chamberlain was pretty obvious, as Professor Keith himself points out in another place,⁴ perhaps the incident is of no great significance.

Too much can be made of the reality of the King's choice. In spite of Queen Victoria's dislike of Gladstone, and her efforts to avoid calling for him, she was compelled on various occasions to accept him as her Prime Minister. If a man is the obvious leader of his party, the monarch has little real choice, and most certainly the King can never choose anybody from the minority party, unless other parties have agreed to work under him.

Over the choice of the Prime Minister's colleagues, the King does not have the same authority. The Prime Minister's right

¹ *Crisis and the Constitution*, p. 35.

² *The King, the Constitution, etc.*, p. 43.

³ *England from Victoria to George VI.*, p. 81.

of choice is supposed to be undoubted and the King to have only the right of suggestion, which must not be unduly pressed. Gladstone was especially annoyed at the Queen's insistence on excluding Labouchere and Dilke and her attempts to exclude Joseph Chamberlain. He told a friend that her interference was intolerable, and that the reference to her was made only as a matter of courtesy.¹ The stronger the Prime Minister, the less likely is he to tolerate interference of this kind. At all events, since Edward VII's time no difficulties, as far as is known, have been made by the monarch over the Premier's choice of colleagues.

The discipline of the Cabinet is supposed to be for the Prime Minister to attend to but here again Queen Victoria tried to exercise control. She objected, for instance, to Chamberlain's speeches and said that he must either restrain his language or not remain in the Cabinet.² This was clearly exceeding her powers. Edward VII is also known to have objected to some of the speeches of Mr Lloyd George and Mr Churchill.³

It is highly doubtful whether the King can refuse to accept the resignation of his Ministers. Even Queen Victoria, who was supposed to have refused to accept resignation in 1855 and 1871, is shown on investigation to be exonerated. It was really the Prime Minister, on each occasion, who decided to reconsider the matter.

A prerogative which remains as real as ever is that of creating peers to swamp the House of Lords. Two elections were held in 1910 to convince Edward VII and George V that the Government had the support of the people and even then the royal consent was by no means a foregone conclusion. This is a prerogative which may, on the assumption of power by a Socialist Government, with the need for greater speed in overcoming the opposition of the Lords than is provided by the Parliament Act, become a vital one. Whichever way the King might act he would certainly suffer a serious diminution of prestige, if not something more serious.

The prerogative of refusal of assent may hardly be said to be any longer effective. Not having operated since 1707 it may be assumed to be as dead as Queen Anne who last exercised it. Under modern conditions its exercise would lead to the immediate

¹ F. M. Hardie, *op cit*, p. 87.

² *Ibid.*, p. 89.

³ A. B. Keith, *England from Victoria to George VI*, p. 110.

resignation of the Cabinet and it would therefore be tantamount to dismissal. Yet, in 1913 Lord Halsbury claimed that the King had power to refuse assent¹ and in 1914 a number of die hard Conservatives actually recommended the King to exercise his veto over the Home Rule Bill² though this, as events clearly showed, would have been disastrous to the monarchy.

The two prerogatives of the King most open to question are those of dismissal of the Prime Minister and the dissolution of the House of Commons. The King has not exercised the former prerogative since 1784—the 1834 example being rather that of resignation—but as recently as 1936 the King was recommended by some to dismiss his ministry. More to the point was the crisis caused by Queen Victoria's telegram *en clair* to Gladstone, reproving him for Gordon's death, which nearly led to his resignation and would then have amounted to something perilously near to dismissal. Gladstone, indeed, is said to have remarked that he would not be surprised if the Queen turned out her Government like her uncles³ but this was not his view of constitutional propriety but rather a rare exclamation of exasperation.

Todd, the great authority on colonial government, while holding that the King could never dismiss a ministry for purely personal reasons, quoted with approval Brougham's opinion that the King could dismiss his ministry possessing the confidence of the House of Commons (1) if there were internal dissensions among themselves, (2) if they differed from their Sovereign or the country over questions of public policy, (3) if they were adopting measures ruinous to the interests of the country, (4) if there was a general feeling of distrust or disapprobation throughout the country. To which Todd adds (5) if they show incompetence, and he quotes a number of authorities to support his view.⁴

Todd's view is of particular interest to our study because he considered that the King provided a model for the Governor-General, but the far greater authorities on the British constitution, Anson and Dicey, believed that the King might still exercise his prerogative of dismissal.⁵ Keith, in a very recent book,⁶

¹ A. B. Keith, *England from Victoria to George V*, p. 190.

² See e.g., *The United Empire*, April, 1914, p. 147.

³ *Esher Journals and Letters* vol. 1, p. 74.

⁴ *Parliamentary Government in England*, pp. 108-9.

⁵ *The Times*, 10th and 15th September, 1913.

⁶ *The King and the Imperial Crown*, p. 183.

agrees with this view. Always the reason given is the same, that the King, as the guardian of the constitution, or the last defence of the rights of the people, may dismiss a ministry which fails to represent the views of the people or acts illegally.

Let us examine the various reasons given by Todd, since they include all the usual reasons given by various writers —

(1) and (5) The internal dissensions of the Cabinet or its incompetence are not the business of the monarch nor is he qualified to judge at what stage he should interfere. If they can carry on the government of the country, that is all that concerns him, and if they are unable to do so, it is for the House of Commons to pass a vote of censure and thus make it necessary for the King to have new advisers.

(2) and (4) If they differ from their sovereign over public policy, it is for him, after remonstrance, to give way and not for them. And why is he fitted to judge whether they differ from the country or how general is the feeling of distrust and disapprobation throughout the country? This claim of the King's unique qualification as Chief Connoisseur of Public Opinion crops up also in Esher's *The Influence of King Edward*¹ where he says that the King felt perfect reliance upon his capacity to gauge the sentiments of the majority of the people, quite irrespective of the casual majorities of the House of Commons. Dangerous doctrine and a striking illustration of the power of bias to affect the choice of words. Call the Government party "the chosen representatives of the people" instead of "casual majorities of the House of Commons" and the King's claim does not seem nearly so convincing. Yet so modern a writer as Keith talks of the possibility of the King refusing advice which he was convinced did not represent the desire of the electorate.² According to Dicey, dismissal meant appeal from the sovereignty of parliament to the sovereignty of the people.³ Most modern writers would regard it rather as interference with the rights of the people's representatives by the King who, as an hereditary, constitutional monarch, should exercise no such authority.

Chief Justice-Evatt, who devotes a large part of his book, *The King and his Dominion Governors*, to discussion of the prerogatives,

¹ *Op. cit.* p. 52.

² A. B. Keith *England from Victoria to George V* p. 99.

³ *The Law of the Constitution* (8th ed.) p. 431.

stresses the impracticability of this suggestion, caused by the inability to get advice constitutionally from the Opposition or the press. Evatt says —

It certainly assimilates the functions of the Monarch to that of a political prophet, although his serene and remote position necessarily prevents him from being armed with the soundest materials for such a forecast. Failure of the new ministry at elections would place the Monarch, to put it at the lowest, in 'a position of some embarrassment.'¹

Then, too, as Dr Jennings points out, in 1935 and, we may now perhaps add, in 1938, the greater part of the electorate disapproved of the policy of the Government over Ethiopia, Czecho-Slovakia, and Spain. Should the King have dismissed his Ministers or insisted on a dissolution? Dr Jennings, quite irrefutably, it seems, holds —

If the King selects decisions which seem to him to be important, his selection must depend upon his subjective notions, which it is his duty, as an impartial Sovereign, to ignore. If he selects because of the vehemence of the Opposition, he invites all Oppositions to be vehement.²

(3) The right of dismissal because measures are being introduced which are ruinous to the country is more difficult. On the surface it looks attractive that the King should fulfil Keith's requirement and act as the bulwark of the rights of the people. But a little investigation shows that he is most unlikely to know what really is ruinous to the country and is more likely to understand only what would be ruinous to the upper classes, or rather, be interpreted as such by them. He is quite unfitted to be a good judge of what measure would ruin or help the people as a whole.

In one eventuality only would the King be justified in interfering, that is, in a case of clear illegality, but it would have to be clear to him as untrained in the law, seeing that he cannot ask advice on legal points except from the law officers of the Cabinet, who are also politicians. Beyond this it would be unconstitutional and extremely unwise for the King to go. There is a definite danger that influence might be brought to bear upon the King if a Labour Government assumed power, even after a sweeping victory at the polls, to induce him to frustrate their policy by an appeal to him as guardian of the constitution. One feels that

¹ *Op. cit.*, p. 105

² *Cabinet Government*, p. 306

Professor Keith's insistence on the King's importance as guardian of the constitution¹ rests chiefly on his hope of him as a bulwark against socialism

Which, then, are the cases of clear illegality, when the King should act? In the words of Dr Jennings —

He would be justified in refusing to assent to a policy which subverted the democratic basis of the constitution by unnecessary or indefinite prolongations of the life of parliament by a gerrymandering of the constituencies in the interests of one party or by fundamental modification of the electoral system to the same end *

Even in such a case the King would have to find other advisers to carry on, who would almost certainly advise an appeal to the people. Without an alternative ministry, the King would be powerless to interfere, and even, having found one, he would run the risk of a revulsion of popular feeling at the rare exercise of his prerogative, leading to the defeat of the new ministry. Then he would have to abdicate. Even if the people supported him, he would be roundly abused by some. It would, in short, be highly dangerous to the monarchy but also highly commendable.

Queen Victoria was not unique in her view that the grant of a dissolution to a ministry implied her approval of it and that a majority of votes cast against them "must be regarded as an affront to the Crown" ². She also believed that she had the power of forcing a dissolution, a power, however, that should only be used when there was a certainty of success. That is never. But the suggestion that it may be used still crops up periodically.

One of the reasons given as justification for dismissal is alternatively given for forcing a dissolution on a ministry, namely, the failure of Parliament to represent the wishes of the people. We have seen that it does not hold water. Yet as late as 1913-14 some were recommending that the King should dismiss his Ministers, others favoured a compulsory dissolution, or seeking the advice of the Privy Council, who would certainly, it was said, recommend an election!³ Nor were they advising action without very recent precedent for in 1910 two elections took place at the request of Edward VII and George V. Nevertheless, it is very

¹ *England from Victoria to George VI*, pp. 95-102.

² *Cabinet Government*, p. 307.

³ A. B. Keith, *England from Victoria to George VI*, p. 82.

* See *The United Empire*, April, 1914, p. 147.

important to notice that whatever pressure was brought to bear on the Prime Minister, he did agree to dissolution, so that theoretically it was dissolution at his request. Strictly speaking, the King cannot force a dissolution. An Order in Council authorizing it has to be signed by the King and countersigned by a Minister and the King cannot set the whole process in motion of his own accord. If they do not give advice he cannot go beyond persuading his Ministers unless he risks dismissing them.

Can the King, on the other hand, refuse to dissolve? It involves acting without advice, or more dangerous, on the advice of unauthorized persons. Austin and Dicey held that he might while Bagehot held that he could hardly refuse dissolution even to a defeated ministry. In this view Professors Laski and Keith concur. Among men who have been Prime Ministers, Salisbury agreed that the Queen had the power,¹ as did Balfour in 1910,² and Asquith as late as 1923,³ but the prerogative was not exercised. Those who believe in the continued existence of the King's prerogative always, however, stipulate that the King may only refuse a dissolution if there is an alternative ministry to take office. At all events, the King's right to have all the circumstances leading up to the request for dissolution explained to him is undisputed.

The 1924 dissolution a year after an election is not proof either way. Some claim it as a proof that the King exercised no discretion, while others say that he consented only after mature judgment and conviction that there was no alternative ministry. We may, I think, safely assume that the King's discretion is most unlikely to be exercised in this respect. A refusal would prove a shock to the stability of the Crown and the theory underlying the suspension of discretion is unanswerable.

To grant a dissolution automatically (writes Professor Laski) is to place the responsibility for the government squarely upon the shoulders of the electorate, where, in the circumstances, it ought to lie.⁴

A Government chooses to dissolve at a moment when public opinion seems most likely to be in its favour. If the King refused dissolution at such a time he would be favouring the Opposition.

¹ F. M. Hardie *op cit* p. 110.

² A. B. Keith, *England from Victoria to George VI* p. 89.

³ *The Times* 19th December, 1923.

⁴ *Parliamentary Government in England*, p. 410.

The knowledge, too, that the King is willing to grant a dissolution may prevent the Opposition from censuring the Government

There is little doubt that the King would not, like Lord Byng in Canada in 1926, have refused a dissolution to his Prime Minister on the grounds that there had been a dissolution ten months previously, and that he ought to attempt to form an alternative ministry. What is even more certain is that, having refused to grant a dissolution to one Prime Minister, he would not, a few days later, have given it to another. The 1939 refusal of dissolution in South Africa, because of its peculiar conditions, provides no parallel for circumstances affecting the King.

To the rule that the King ought to give automatic assent to dissolutions there is an exception. All authorities are agreed that he would be fully justified in refusing one dissolution on top of another with the object of wearing out the electorate into giving one party a majority.

We have done enough to show what confusion exists on the actual powers of the King. Writers even as recently as Strachey, under-estimated the all pervading influence of the monarch, though some, at the same time, overstressed the theoretical importance of the prerogatives. Nowadays we admit that we do not know just what the King stands for in the constitution. Yet the Governor-General of a Dominion is glibly said to resemble him in all essential respects. We therefore do not know exactly what it is that he resembles. To crown all, the Governor does not and cannot resemble the King in all essential respects.

Broadly, the constitutional purpose of the King is to give the appearance of permanence and stability to an ever-changing political situation in which the real leaders are temporary. It is not that the King really does make for continuity of policy which changes with whatever Government is in office, but that he gives a feeling of security to the people by going on for ever while politicians come and go.

In this basic function the Governor General fails, being himself in office only about six years—a shorter time than some Dominion Governments—and there is a feeling rather that it is the Governors who may come and go while the real Government remains unaltered.

The chief psychological function of the monarch, as has been

made clear in recent times, is that he acts as a father-substitute to the people and also as a compensation to themselves for their own drab lives. No Governor General plays this role and it is futile to pretend that he may be equated with the King. There is in the quality of popular admiration for the King something different from that bestowed on film stars and successful sports teams. When a rare person, brought up in the modern atmosphere of adulation of the monarchy, expresses his disapproval of it, it is often with something of the quality of the man who challenges God to strike him dead. Republicanism in England is seldom a merely intellectual evaluation. Even the most sophisticated, probably to his own intense annoyance, feels overawed or abnormally "natural" in the presence of the King, though he may not particularly admire him as a man and have good arguments against the institution of monarchy. The roots of kingship lie deep in the unconscious and spring from the same source as the ideas of God, Priest and *Führer* and are synonymous with mysterious power. The enthusiasm manifested over the royal visit to the United States shows that this is not a peculiarly British characteristic. Any chance we may have had of becoming more rational in this direction, just as we have over other Magic Men—and until the second half of Victoria's reign this seemed increasingly likely—has been rendered void by a succession of monarchs who have been outstandingly successful mother- or father substitutes or, in the case of Edward VII, a model of good breeding and charm, all of which virtues have been vigorously exploited by propaganda.

The Governor-General, on the other hand, is just a man, possibly a distinguished gentleman, but a man's a man for a' that. Can anyone, for example, imagine a Prime Minister writing about his King as John Macdonald wrote about his Governor General?

It was amusing to see the dismay with which they saw Ottawa and Rideau Hall. It seems that no preparation had been made for their reception, and they had to put up with a considerable amount of discomfort.¹

It must also not be forgotten that the Dominions still retain the King as nominal head of the state, in addition to each having

¹ In a letter to Lord Lugard, the ex-Governor, about Lord Dufferin. J. Pope, *Correspondence of Sir John Macdonald*, p. 177.

a Governor-General Add to this that, either before or after ascending the throne, the King is likely to visit most parts of his Empire and it will be seen that the Governor General may not fairly be said to take his place As the King's social contacts must necessarily be restricted and narrow and enthusiasm for him strengthened abroad as well as at home by skilful newspaper and cinema propaganda, and by Royal broadcasts to the Empire on important occasions, he will seem almost as near and real to the citizens of remote Dominions as to the people of England

If the Queen chooses dresses of a particular shade of purple for her tour of America, a large number of the women throughout the Empire go the same shade of purple, let a member of the royal family buy the product of some neglected or struggling industry and in no time it is experiencing a boom The presence of Republican or anti-British elements in a Dominion or colony makes the others more fervent in their admiration and imitation of the monarchy and anyone unwilling to join in the chorus has his qualification as a sound citizen immediately suspect

The Governor General is capable of rousing only the mildest interest Very little propaganda is made on his behalf although the press may spasmodically boost a Governor-General if he sponsors a favourite scheme of theirs In South Africa, for example, the Cape papers made much of the Earl of Athlone because he was deeply concerned about the slums at the same time that they were agitating about them But their attitude had no worship in it, being rather that of, "Here is a distinguished gentleman with wide experience of different countries, whose opinion is well worth having" and those who were pleased with the attitude of the Governor-General did not go beyond this If a Governor-General says something worth listening to, he will be given a respectful hearing by the public but his trite sayings will never be elevated to the position of oracles Even if he is himself Royal there will be nothing like the same attitude towards him as towards the King The Abdication showed very plainly that it was the office rather than the person of the King which has become sacrosanct and people become reasonable towards members of the Royal Family in inverse proportion to their nearness to the succession

Few know the Governor-General's genealogy, the sayings of his children are ignored, his wife's fashions barely noticed He

may patronize a failing industry *ad lib* without having a noticeable effect upon it, criticism of him is normally not much indulged in as he is remote and not very interesting but, if he is criticized, there is nobody there to imply with shocked looks that this is sacrilege.

What, then, does the Governor General stand for? First, in strict law he has always represented and still represents the King. Ordinary people, however, do not regard him as the representative of the King unless he is a member of the Royal Family. Second, he has represented the *Imperial Government*. To the Dominion Governments before 1926 this fact must have been very real, but the people did not see him in that light. Third, he may stand for *England* which is, for many who have never seen it, an abstraction about which they feel either sentimental or bitter. Political parties in England do not have the same reality to the men and women of the Dominions as their own, and, although Dominion statesmen have often pointed out that Governors General used to be the nominees of political parties in England, and indeed very often were party men—as though that excused the choice of local politicians instead—this has awakened no echo among the people. In the Dominions one hears of England's generosity in South Africa after the Anglo-Boer War, never of the generosity of 'the Campbell-Bannerman Government'.

The attitude, that the Governor General stands for England, is clearly exemplified in a speech of a Nationalist member of the South African House of Assembly. He said that when the Governor General went anywhere the feeling was aroused that he was appearing there as the representative of another Power. For instance, when he arrived 'God save the King' was immediately played. In Ireland the Governor General had refused to attend a function when it was played. In view of their status it was not right for the stamp of a previous period to be always impressed on the Afrikaans people. They had the same feeling when the Union Jack flew over the residence of the Governor General and they had agitated about it in order to get it removed, which was ultimately done.¹

Fourth, the Governor General may stand for the *Government of the Dominion*. If he is a citizen of the Dominion, as well as being chosen by the Dominion Government, and especially if

¹ *Journal of the Parliaments of the Empire*, vol. xvi, pp. 695-6

he was a political supporter of the Government before his appointment, he will undoubtedly have this significance for everybody, and partisan feeling will be entertained towards him. But it will not be very deep unless he comes into conflict with the Cabinet.

The difference between King and Governor General is not psychological only. The King holds office for life, his tenure is secure, to remove him, abdication a serious affair, is necessary, he is never the nominee of a party Government, he acquires considerable experience in the course of a long reign, which makes his opinion worthy of more than formal respect, advice given by him is personal, and his opinion if written, is not published until the issue is dead, and not immediately as is the Governor-General's.

The prerogatives of the Governor General are strictly limited.¹ Though he and his wife are called "Excellency" though he receives salutes from men of war and has a special flag,² and though he has a special uniform, his powers are derived only from his commission, unlike the King's. The Letters Patent accompanied by Royal Instructions, were formerly issued to the Governor-General under the Great Seal and Signet and countersigned by the Secretary of State for the Colonies. The practice has been modified in some Dominions, in keeping with his new status,³ but the Governor General still owes his authority to his Commission, in spite of the formal changes.

In *Hill versus Bigge* it was stated by the Privy Council that a Governor cannot be regarded as a viceroy nor can it be assumed that he possesses general sovereign power. His authority is derived from his commission and is limited to powers thereby entrusted to him. The Governor General is limited from exercising the prerogative of coinage, he cannot confer honours or perform an act of investiture without special permission from the Crown, he may not exclude aliens, he cannot proclaim war or peace or make treaties without special authority⁴ or create legislative bodies or courts without authority, he cannot grant a *fiat* to a petition of right.

¹ On the legal nature of the Governor's powers see *A Responsible Government* is invaluable 1912 ed., pp. 105 seq.

² Since 1926 he has had his own flag instead of the Union Jack.

³ See *post* pp. 244-9.

⁴ See however, *post* pp. 264-5.

Unlike the King, who can do no wrong, and the Lord Lieutenant of Ireland, the Governor-General, according to the decision in *Musgrave v. Musgrave*, cannot claim immunity from liability to be sued in the courts of the colony on the grounds of privilege only. Also, according to the Offences against the Person Act, 1861, any British subject guilty of manslaughter or murder anywhere, may be tried for it, if discovered in England.¹ A Governor-General will therefore need an Act of Indemnity to cover him if he is a participant in an illegal act and this, be it noted, only covers him in the Dominion, and leaves him still liable to be tried in England under the Offences against the Person Act.

Under various Imperial Acts, a Governor may be tried in England or before commissioners in any country, for misdemeanours committed abroad, laws which Keith calls "musty relics of antiquity,"² but which have not been repealed. A writ of mandamus, however, cannot be issued against a Governor to compel him to act in his capacity as Governor, nor can he be sued on official contracts.

As a relic of the days when it was feared that a Governor might be bribed and become partial to the colonists, no Governor is allowed to accept presents, except valedictory ones. For the same reason the period of office has seldom been extended beyond six years.

Of considerable interest is the fact that the relationship between Governor-General and Cabinet, though acknowledged to be modelled broadly on that between King and Cabinet, was not regarded as identical. This is expressed clearly enough in a speech of Tupper's, a prominent Canadian, in the House of Commons. He said —

The Government here do not stand in regard to the Governor-General in exactly the same position as Her Majesty's Government in England in regard to the Queen.³

Keith, indeed, holds that, in spite of the 1926 declaration of exact likeness, the relationship is still different because the people expect it to be different.⁴ My own belief is that it is different

¹ This is less important than it seems, as was shown by the failure of the attempt to hold the Governor responsible for the execution of natives in Natal in 1909.

² *Responsible Government* (1912 ed.), p. 136.

³ Can. H.C. Debates, 29th January, 1896.

⁴ See *op. cit.*, p. 22.

because the histories of Dominions and Mother Country are so unlike that the whole background against which the Governor-General works is unparalleled in Great Britain. It would have been futile, for instance, for Sir Patrick Duncan in 1939 to have tried to model his behaviour on that of the King, seeing that the King could never be faced with the situation which confronted the Governor-General then.

Nor was the 1926 declaration itself entirely sincere. What it really meant was that the Governor-General should be like the King as far as his limitations were concerned but not his powers. It is pretty obvious that this was so because no suggestion was made that the Governor-General should have all the prerogatives of the Crown delegated to him, instead of just some, as formerly, nor was the Governor-General put, like the King, above the law. Keith says that it is possible to argue that the very declaration, that the Governor-General was to be like the King in his dealing with his Ministers, gives him the full royal prerogatives. There has, however, been no test case. It is high time that the Governor-General should be given legal immunity for official acts. As H. J. Schlosberg says —

*The Governor-General is in an inferior position in the eyes of the law to any ordinary ambassador of some insignificant State. For an ambassador is not subject to Courts at all.*¹

Let us compare the Governor-General's duties and privileges one by one with those of the King.

Like the King, the Governor-General is expected to be equally friendly to whatever party is in office and to refrain from seeking advice from the Opposition. The King, we have seen, though theoretically belonging to no party, may safely be assumed to have strong Conservative leanings. Governors have seldom been unconnected with British politics and have not infrequently been active politicians before appointment, many having held ministerial office in Conservative or Liberal Governments. But they are expected to ignore their personal opinions on assuming office. Apart from politics, seven Governors in Canada in the last century have had previous gubernatorial experience, seven have had military experience, one had prominent connections with business and another won fame as an author. They have been

¹ *The King's Republics*, p. 75

drawn almost exclusively from the aristocracy¹ Their success at impartiality has varied from one Governor to another but may fairly, on the whole, be said to have been considerable. Of course, in Canada no Governor has had to work with a Labour Government and has, at most, had to adapt himself to a Prime Minister with different racial traditions and religious opinions, and not with one whose whole outlook and philosophy is based on different assumptions

The press and occasionally members of parliament have openly accused some Governors of partisanship in exceedingly bitter language such as no King has suffered at least in his lifetime but, like the King, the Governor-General is constitutionally unable to defend himself

The right of the Governor-General to attend Cabinet meetings is definitely lost² Macdonald is said to have put an end to this practice in Canada³ and though subsequently there was at least one protest,⁴ and one intimation by a Governor that he was being unduly gracious to abstain from attending,⁵ the rule was definitely established Yet, from South Africa, as recently as 1914 came an example of a Governor-General being invited to sit with his Cabinet, when Lord Buxton's advice was sought in connection with military policy⁶

The Governor's knowledge of the opinions of individual members of the Cabinet is a matter which will depend on his degree of intimacy with his Prime Minister and must normally be very slight The fear that the Governor might use his knowledge to attempt to interfere as, for example, to refuse dissolution, will prevent much from being told to him Only in cases of disruption too obvious to be concealed and which leads to an actual split will the Governor be apprised of the facts Unlike the King's secretary who, through his connection with the ruling classes in England, can play a large part as liaison officer between the King and them, the Governor-General's secretary has no

¹ See Appendix A for a chart on the rank, education, career, and party affiliations of Canadian Governors-General.

² In Canada, unlike the other Dominions, the Governor-General does not even preside over formal meetings at which Orders-in-Council are approved. They are, instead, submitted to him for his signature

³ O. D. Skelton, *Life and Times of Sir A. T. Galt*, p. 325

⁴ See *post*, p. 159

⁵ See *post*, p. 145

⁶ *Cambridge History of the British Empire*, vol. viii, p. 678 Lord Buxton was also in the habit of asking the advice of influential private M.P.s. *Op. cit.*

such standing and plays a small part though, in Canada, a Military Secretary has proved an annoyance to the Cabinet on occasion.¹

In the Dominions party feeling has always run much higher than in England and the function of the Governor-General to try to lessen bitterness has been important but dangerous to himself and has also been strongly discouraged by the Government. In Canada at least one Governor played a large part in trying to reconcile a provincial Government with that of the Dominion² but there have been no striking successes in lessening party bitterness, unlike in South Africa where popular opinion widely credits the Earl of Athlone with having had a large share in inducing the leaders of the parties to compromise over the Flag Bill in 1926 when the controversy over it threatened to end in civil war.

The Governor, like the King, is supposed to be courteous to all. Yet so redoubtable a champion of representative government as Elgin was accused by Macdonald, who was in Opposition during most of Elgin's administration, of rudeness to his party.³ There is, it is only fair to say, no evidence to support this view. Party feeling at that time ran high enough to lead to rioting, assault on the Governor-General, and burning of the Houses of Parliament, so we may not unreasonably discount the evidence of a representative of the party which stirred the people up to this pitch of fury because the Governor-General insisted on acting on the advice of his Cabinet.

The speech from the throne is firmly recognized as being the Government's and not the Governor-General's, though Canada provides at least one example of a Governor who induced his Government to approve of a speech he composed,⁴ and another who insisted on the omission of a portion which he considered objectionable.⁵ Purely personal references may be made without Cabinet supervision, as, for example, when Lord Lorne commented on the Princess Louise's health.

The duty of the Governor-General to submit, after remonstrance, to unwelcome policy has been freely recognized since

¹ See *post* pp. 181-2.

² See *post* p. 157. At the time of the Manitoba School Question too the Governor-General met the Prime Minister and the Agent General of Manitoba for discussion without the presence of the Dominion Prime Minister.

³ J. Pope, *Memoirs of Sir John Macdonald*, p. 92.

⁴ See *post*, p. 152.

⁵ *Ibid*.

Elgin assented to the Rebellion Losses Bill in spite of powerful urgings of the Opposition not to do so and his own dislike of the measure. The amount of interference, of course, has always depended on the Governor but has ever tended to grow less. Lord Dufferin openly confessed to the Colonial Secretary that he nagged his Ministers into adopting certain lines of policy¹ but when they were adamant even he could do nothing but continue to nag. No modern Governor-General would risk interference to this extent.

Over the question of Cabinet responsibility, exactly the same may be said as in connection with the King, which is, that normally every act of the Governor is covered by Cabinet responsibility, but if he exercises his prerogative to dismiss a ministry he cannot expect the fiction to protect him from criticism. In a Dominion such an act would lead to even more acrimonious recrimination than in England. If, too, a Governor makes public speeches in which he expresses his own views on controversial questions, he will most assuredly be strongly criticized, as several instances show.²

The Governor-General's duty to patronize charities, art, sport, and education is taken for granted and is generally as faithfully carried out as the King's. It is likewise considered advisable for him to have a satisfactory personal character and a man is scarcely likely to secure an appointment without a wife and a suitable one at that. Although constitutionally she stands for nothing, she plays a great part especially in such activities as showing interest in backward races, animal welfare, and district hospitals. As with modern royalty, an interest in social welfare is a great asset. In the Dominions ceremonial plays a much smaller part than in England and the occasions for the use of it are fewer. What is more likely to appeal in a Governor-General—just as it was the secret of the enormous popularity of the Prince of Wales in the Dominions—is the ability to rough it and be “a jolly good fellow.” There is no real aristocracy, even if a snobbish minority do their best to create one, and the entertainments provided by Government House affect only a small number of people, although they may at times be amazingly lavish. Invitations to Government House give nothing like the same kudos as attendance at Court.

¹ See *post*, pp. 156 seq.

² See *post*, pp. 170-3.

If the Governor-General can speak both official languages in countries where there are two, he has gone a long way to securing popularity, and an interest in the alternative *Kultur* will also be greatly appreciated, if it appears genuine and not merely polite. An Irish Governor-General was criticized in the Dail for not taking part in the Gaelicization of the State¹

Like the King, the Governor-General must have no known "advanced" views on religion nor, equally, on politics. The absence of a state church not only deprives him of the possibility of having any control over appointments but also relieves him of the duty of acting as the head of it. Some sections of the people will think it important that the Governor General should attend service, at least occasionally, in whatever church to which he gives nominal adherence.

By many the Governor-General is looked upon as owing the duty to serve as a link with the Mother Country and to strengthen affection for the King. This suggestion is enough to make others desire to have the office abolished or at least filled by a local citizen with no enthusiasm for either. In a Dominion where feeling is thus divided a Governor-General would be wise to perform these functions by implication only.

The Governor-General is supposed, like his prototype, to possess the right of having really important policy of the Cabinet explained to him before decisions or declarations are made but this is generally nowadays little more than a pious wish. The 1926 Conference stated that it was desirable that the Governor-General should be kept in touch with the intentions and decisions of the Cabinet, just as the King is with the affairs in Great Britain.² Lord Dufferin said that a Governor-General's opportunities for supervision extended to the most minute matters of administration, as almost every act of the Government required an Order-in-Council which only became valid on his signature being attached to it.³ Nevertheless, there can be little doubt that of the steps leading up to the formal signature, the Governor-General has now little knowledge and is told far less than the King is concerning British Cabinet business. There is no reason to expect that the 1926 resolution will alter this state of affairs.

¹ *J P E*, vol. xii, p. 765

² See *post*, p. 231

³ Dufferin to Carnarvon, G D 6/29 1st June, 1876

What part does the Governor play in foreign policy? Elgin was responsible for signing the reciprocity treaty between the United States and Canada, and Canadian Governors in general have often played a considerable, if unobtrusive, part in the relations with the United States. This was especially important when Canada did not have diplomatic representation separate from Great Britain and could not formulate her own foreign policy. The Governor-General was then an Englishman uniquely qualified to see the Dominion point of view. He would use his influence with the British Government, the Canadian Government, and sometimes the American Government, although Britain had her ambassador in Washington. Since Canada has secured her own diplomatic representation, and especially since the Governor General has been cut off from the Colonial Office, and now that Canada determines her own foreign policy, the influence of the Governor General is considerably reduced. But it is not negligible in securing good relations with the United States in so far as this may be done by social means and the interchange visits of the heads of the two States.

In the other Dominions the absence of a powerful neighbour has made the influence of the Governor General far less and, until completely cut off from the Imperial Government, his influence on foreign affairs was probably confined rather to general exhortations to both to make allowances for the other's point of view.

Over patronage the orthodox view used to be that the Governor's prerogative was real. Todd quotes with approval the saying of Sir G. F. Bowen, Governor of Queensland, that under responsible government a Governor was not rid of responsibility over appointments to public offices, especially as far as judges were concerned.¹ Governors have, no doubt, at various times had beneficial effects in preventing too blatant a development of the spoils system, but the famous Aberdeen Tupper episode in which the Governor General and Prime Minister came into conflict over appointments, many of them judge-ships,² shows the unwisdom of allowing interference in any circumstances to go beyond remonstrance.

With regard to the choice of the Prime Minister, it is the custom

¹ *Parliamentary Government in the Colonies* p. 91

² See *post*, p. 168

in all the Dominions for party caucuses to choose their leaders and, if the party is successful at the polls, its leader is as a matter of course, sent for by the Governor-General. In cases where no party has a clear majority—which happens not infrequently owing to the tendency for the two party system to break down in the Dominions—arrangements are arrived at by the parties themselves, as to which shall take office and under what conditions it shall receive the support of other groups. The Prime Minister's right to choose his colleagues is absolute and the Governor-General's ability to interfere negligible. He is thus often compelled to have Ministers distasteful to himself.

There is no exact parallel in the Dominions to the prerogative of creating peers, except in a limited sense in Canada, and there the request for additional senators is expressed by the Canadian Cabinet to the Imperial Government and not to the Governor-General,¹ who is thus not in an analogous position to the King. A solution of conflict between the Houses would therefore not be dependent on an act of the Governor-General, who in this respect would not resemble the King.

Canada provides us with an example of a Governor-General refusing to accept the resignation of his Ministers in 1896² but, taking the King as his example, no modern Governor-General would be justified in following this precedent even under the circumstances which then prevailed, though he might use his influence to the uttermost in the same direction.

The Governor-General's veto did not expire when 'responsible government was born. Elgin himself said that no inducement on earth would prevail with him to acquiesce in any measure which seemed repugnant to public morals or Imperial interests.³ Todd said that 'a Governor would be justified in refusing assent if he doubted the wisdom or legality of advice tendered to him or thought that it was prompted by corrupt, partisan, or other unworthy motives and did not have regard to the honour of the Crown or the welfare and advancement of the country at large.⁴ This was a rather tall order and whatever may have been said previously for the Governor's function as protector of the rights of the Crown, it cannot now be conceded that he may refuse

¹ B.N.A. Act S. 26

² See *post* p. 167

³ Egerton and Grant *Canadian Constitutional Development*, p. 333

⁴ *Parliamentary Government in the Colonies*, pp. 816-17

assent for that reason only or merely because he doubts the wisdom of a measure or the absence of loftiness in the motives which inspired it, not indeed being the best judge of such matters.

Just as the King's position as guardian of the constitution is valued by those who would like to see him use his prerogative to protect privilege, so, at least some of the insistence on the Governor-General's comparable position comes from those who see in him the last barrier against secession.

The question of illegality is difficult. The Cabinet are not supposed to present for signature any Bill which is unconstitutional or illegal and their advice is supposed to be given by them as legal officers and not as party politicians when questioned by the Governor-General on this point. In all the Dominions a written report from a law officer of the Government, certifying that the Governor-General could legally sign, used to accompany each Bill. This practice ceased in those Dominions where reservation of particular classes of Bills was removed from the constitution—in Canada as early as 1878. Again Todd held that if a Governor feared that their judgment had unconsciously been biased by political considerations he was free to get advice elsewhere.¹ Clearly, in such a case he must either do this or rely on his own opinions which are not likely to be a trustworthy guide to legal questions unless, like Sir Isaac Isaacs of Australia, he happens himself to be a highly trained lawyer.

No responsible thinker will agree with Todd nowadays that a Governor may seek extra-Cabinet advice, seeing that the King must depend for legal advice on his advisers. Unless he was absolutely certain, a Governor would be going outside his constitutional powers if he went beyond remonstrance. Formerly, the obligation to reserve certain classes of Bills rid him of final responsibility in many issues but he must now decide without reference to the Imperial authorities.²

Fortunately, there is an excellent example of how this problem may be settled from Australia. In 1931 Sir Isaac Isaacs agreed to regulations passed under the Commonwealth Transport Workers' Act by the House of Representatives, which were substantially the same as those already disallowed by the Senate. When the latter protested, he justified himself on the following

¹ *Op cit.*, pp. 58-9.

² See *post*, pp. 231-3.

grounds —(1) that he was satisfied that the House of Representatives was not acting illegally, (2) that the proper tribunal to judge was the judiciary, and (3) that to avoid the imputation of being a partisan, he must act on the advice of his Ministers ¹

The first reason given was peculiar to the case, and I am not sure that the third reason can be invariably accepted without reservation, but the second seems both adequate and unanswerable. As Evatt strongly urges, the correct thing for the Governor to do is always to insist on the legality of a disputed measure being tested by the Courts ²

But what if the illegality is obvious? Should the Governor distinguish between the lawful and the expedient in deciding what to do? He knows that he has no legal immunity. Should he rely on, or regard as out-of-date, the despatch which Cardwell, as Colonial Secretary, wrote on this subject in 1865? This laid down —

The Queen's representative is imperatively bound to withhold the Queen's authority from all or any manifestly unlawful proceedings.

The powers of the Crown must never be used to authorize or facilitate any act which is required for an immediate political purpose but is forbidden by law ³

A despatch of 1878, from Hicks Beach, he may well remember, stressed the necessity for a memorandum from his law officers certifying in their capacity as such that any measure which seemed doubtful to him was legal and constitutional. If this was not forthcoming, he was to decide on his own responsibility whether he should ask for delay or accept their resignation ⁴

In 1914, however, Harcourt approved of Lord Gladstone's act when he gave his assent to the deportation of strikers from South Africa without trial ⁵

If the bewildered Governor turns to Keith for guidance, as not uncommonly has been done, he has two contradictory sets of advice to choose from. First —

It is better that the necessity of observing constitutional principles should be learned by experience of the disadvantages of breaking them than that third parties should step in to save democracies from the results of their own errors ⁶

¹ H. V. Evatt, *The King and his Dominion Governors* pp. 186-7

² *Ibid.* p. 191

³ A. B. Keith, *Responsible Government* (1912 ed.) p. 262

⁴ *Ibid.*

⁵ A. B. Keith, *Responsible Government* (1928 ed.) p. 201

⁶ *Ibid.*, p. 73

Second —

He (the Governor) is bound to accept advice: it is open to hold, only when ministers have an equal right to tender that advice.¹

Both the constitutional and courageous thing for him to do, it seems to me, would be to exercise his veto in cases of obvious illegality but never otherwise. One of three things might happen. The Cabinet, realizing that he was in earnest and that he meant to refuse assent, and knowing that this was tantamount to dismissal, would repent and withdraw the measure in question. Or, they might persist but the publicity which the Governor's veto would give to the issue would very likely, even if it led to his resignation, delay them and make them hesitant to continue along the same lines.* This is assuming that no alternative Government would be possible. Yet there might quite likely be one and the Governor would have rendered a great service to the country. Even if he was compelled to resign, he would have the consolation of knowing that his act had not shaken a throne and that he would soon be forgotten by all but textbook writers.

In these days we must not ignore a more sinister third possibility. The Government might be in a clearly revolutionary mood and silence the Opposition by imprisoning or 'liquidating' them. No one could then blame a Governor if he thought discretion the better part of valour and refused to interfere. He might even be rewarded for his complaisance by being given a purely decorative post in the new regime. Yet, if he had the courage to interfere, would his heroic gesture be wholly futile?

The Dominions supply no example of the exercise of the veto under responsible government, but a Governor refused assent in New South Wales as recently as 1932. As, however, he also dismissed his ministry, let us turn to a discussion of that prerogative first.

All the reasons given for justifying the King in dismissing his ministry have been likewise given for the Governor-General in his capacity as substitute King and not, be it noted, as representative of the Imperial Government. In addition, he was supposed, in this latter capacity, to dismiss a ministry whose policy was hostile to the Crown.² This is no longer his responsibility. The conditions formulated, on when the King might

¹ *Jour. Comp. Legn.*, 1932, p. 259.

² A. Todd, *Parliamentary Government in the Colonies*, p. 628.

dismiss his Ministers, we have seen to be manifestly unsatisfactory¹ and this applies equally to the Governor General. Especially is his ability to understand public opinion, apart from its expression by the Lower House, suspect because he is likely to be even more incurably aristocratic in outlook than the King.

We have justified the exercise of the gubernatorial veto in cases of clear illegality and this holds good for the prerogative of dismissal being used. Like the King, the Governor-General would be right in dismissing his Ministers if they extended the life of parliament unduly or refused to go to the polls. This does not mean that in urgent circumstances a legislature should not prolong its life and normally they would be the best judges of the degree of urgency. In Canada the Governor General does not have this problem to face as the life of its House of Commons can be extended only by act of the Imperial Parliament, while in Australia the laborious process of constitutional amendment would be necessary. In the other Dominions an ordinary Act of the local parliament would be sufficient, and in New Zealand in 1932, for example, the Upper House extended its life for one year.

There are few examples of dismissal in the Dominions and none since they have federated. In 1878, both in the Cape and in Quebec, ministries with a majority in the Lower House were dismissed and in 1932 the same happened in New South Wales. In each case an alternative ministry was found to take office. The New South Wales case, because of its recent happening, is worthy of passing consideration, even though an Australian State Governor is not in the same position as a Governor-General² and though this was a special case of conflict between Commonwealth and State in which the Governor took the part of the Commonwealth.

The Governor, Sir Philip Game, after a protracted period of dispute between the State and the Commonwealth, requested the Premier, Mr Lang, to withdraw a circular which was plainly against an Act of the Commonwealth Parliament, the Financial Agreements Enforcement Act. When Mr Lang refused and also refused to resign, the Governor dismissed him and vetoed a

¹ See *ante*, pp. 15 *seq.*

² See *post*, p. 229 n.

Bill on the same issue.¹ The exercise of the veto was unnecessary, seeing that the Commonwealth Parliament had already nullified the Bill in question, but the Governor was fully justified, it seems, in dismissing his Ministers, seeing how they were obstructing the Commonwealth Government, which lacked the power to dismiss them. It is essential, before passing judgment, to clear our minds of prejudice and regard this purely as a constitutional issue without consideration of the merit or demerit of the Bills involved. There is too much tendency for writers commenting on this to approve of Sir Philip's action because the infringement of the sacred rights of British bond holders was prevented or to reprove him for acting as the agent of a deep capitalistic plot.

There remains the question of dissolution. As with the Queen, the Governor-General in Canada before the days of responsible government tended to regard dissolution as a boon granted to a government he favoured. Its return to power was expressly held to be a personal triumph for the Governor-General, but after the coming of responsible government this no longer applied.

The Governor-General is for technical reasons prevented from forcing a dissolution, just as the King is.² Like him, he has, nevertheless, been advised by writers that he may force a dissolution when the Cabinet is divided against itself, is incompetent, differs from the Governor-General or the public on policy, or introduces highly undesirable legislation. As these reasons have in some detail been shown to be indefensible as far as the King is concerned,³ it is only necessary to say here that no more is capable of being said in their favour in those countries which have a Governor-General. Even Todd admitted that the Governor-General should not force a dismissal unless he strongly believed that the people would approve of his policy, and that, if they did not approve, he would have to withdraw from his position or resign. This view would now be discredited on the grounds that it is no part of a Governor's duties to forecast election results and that it is highly unfair to a Government to hold an election in which the people are asked to choose between them and the Governor, as many, for "patriotic" or other extraneous reasons may feel called upon to vote for the King's

¹ H. V. Evatt, *op cit*, pp 163 seq

² See *ante* p 18.

³ See *ante* pp 15-17

representative, although under similar circumstances they would not be likely to vote for the King

The Governor of Tasmania, who in 1914 offered the premiership to Mr Earle, on condition that he asked for a dissolution, received no support from the Colonial Office when he complained because Mr Earle subsequently refused to ask for it, and was told that he could not constitutionally make such a bargain ¹

In the Irish Free State the Governor-General could not force a dissolution, after having dismissed the President of the Dail, if the latter retained its confidence ² The Governor's prerogative, which, like the King's, may always be limited by legislation, was thus taken away

Finally, there remains the question of whether the Governor-General may constitutionally refuse to dissolve The Governor-General may refuse frequent dissolutions to wear out the electorate, just as the King may, but what right does he have beyond that? Todd held that the Governor should use his discretion The following are the chief occasions mentioned by various authors, including Todd, as providing justification for refusal —

(1) If there was any possibility of securing an alternative ministry without an election There are many examples of Governors having done this successfully

(2) If a defeated ministry seemed likely to be defeated at the ensuing election

(3) If an election had taken place too recently, or there was inconvenience through the seasons, for example, winter or harvest

(4) If the business before parliament had not been completed, especially if the estimates had not been voted

(5) If the election was just to keep the ministry in office and was not on an important issue of policy

(6) If there seemed no likelihood that the election would result in a change of the relative strengths of the parties

Very different from this doctrine was the ruling laid down in 1892 by the Marquis of Ripon who, as Colonial Secretary in Gladstone's ministry, laid down that after discussion with his Ministers the Governor should take their advice as long as

¹ H V Evatt *op cit*, p 33

² Articles 24 and 53

Imperial interests were not affected, seeing that the ministry was responsible to the legislature ¹

This was upheld in 1914 by Harcourt as Colonial Secretary. He wrote that a Governor might feel it incumbent on him to consider with special care requests for dissolution, but that constitutionally he had no special powers in such matters ². Yet Keith as recently as 1928 says about the Dominions —

the country as a rule expects the Governor to exercise his discretion, he can perhaps shelter himself behind assimilation to the British practice but that is very imperfectly understood in the Dominions and at any rate long usage in some territories is clearly in favour of the view that the Governor has not merely a right to exercise his discretion, but that he is worthy of censure if he does not do so ³

Keith further says that the short life of many Dominion parliaments makes premature dissolution very undesirable and that members feel cheated if this takes place ⁴

In spite of his ruling few would nowadays grant that a Governor should lightly refuse dissolution in order to ensure maximum tenure to politicians or to Lower Houses. Further, no Governor could now be expected to act as a prophet or judge and refuse dissolution simply because the Government seemed likely to be defeated at the election, or because an election had taken place recently or was soon due, or because the season was inconvenient, or even if the business of the House was not complete and the estimates not yet voted, seeing that the new parliament, even if of a different complexion, would, with no more than perhaps some remonstrance, legalize the expenditure which had taken place in the interval, or just because the election seemed likely to be held only to keep the ministry in office and was not on an important issue of policy, or because there was no reason to expect that the composition of parliament would be changed.

The right of a Governor to refuse dissolution because there is a possibility of forming an alternative ministry without dissolution has not yet been ruled out, as Sir Patrick Duncan's recent action in South Africa shows. Support for this view is found in the Byng King episode in Canada in 1926, in connection with which,

¹ A. Todd, *Parliamentary Government in the Colonies* p. 823

² A. B. Keith, *Select Documents on Br. Col. Pol'y* vol. II p. 138

³ A. B. Keith, *Responsible Government* (1928 ed.) p. 138

even Mr Mackenzie King, who made political propaganda out of it, admitted —

There may be circumstances in which a Governor General might find subsequent justification for a refusal to grant a dissolution of Parliament.¹

Discretion is therefore not completely eliminated and this is further borne out by the act of Sir Isaac Isaacs, one time Governor-General of Australia, who was learned in the law. In 1931 he granted a dissolution and gave good reasons for doing so, at the same time saying that he was modelling his behaviour on that of the King.² Among the reasons given was that the relative strengths of the parties in the House showed the likelihood of an early election, at all events.

We may sum up by saying that theoretically the Governor has a discretion like the King and that in practice he is more likely to exercise it, though but rarely.

In the Irish Free State a Governor had no discretion over refusing dissolution. A ministry which had been censured by the Dail could not secure a dissolution, while a ministry which had the confidence of the Dail was entitled to ask for a dissolution which the Governor did not have to give but was expected to give. The request for dissolution was made "on the advice of the Executive Council." This gave the Cabinet rather than the Prime Minister control over dissolution, which was very different from the English practice, as the events of 1931 show.

Let us conclude with two very different estimates of the Governor-General.

John Buchan gives an important part in the scheme of things to him. As he himself later occupied that position in Canada, his view is well worth quoting —

A Governor General lives an intricate and crowded life in the public eye. His mind may be absorbed in some grave discussions with his Ministers or the Home Government,³ but he must present himself smiling at a dozen functions and let no one guess his preoccupation. He must perpetually entertain and be entertained. He must show interest in every form of public activity, from a charity bazaar to a university celebration, he must be accessible to all men that he may learn of them as they of him, he must visit every corner of his dominion, and become, for the time being, not only one of its citizens,

¹ A. B. Keith, *Selected Speeches and Documents*, p. 153.

² H. V. Evans *op cit* p. 236.

³ The book was published in 1924 before the Governor-General was cut off from the Imperial Government.

CHAPTER II

THE GOVERNOR-GENERAL AND THE COLONIAL OFFICE

In some back room—whether in the attic or in what storey we know not—you will find all the Mother Country which really exercises supremacy and really maintains connection with the vast and widely scattered Colonies of Britain. We know not the name the history or the functions of the individual in or the narrow limits of whose person we find the Mother Country strunk.

CHARLES BULLER

(E. M. Wrong, *Charles Buller and Responsible Government* p. 133.)

the everchanging occupants of Downing Street who can only see us through the glasses furnished them by those whom accident has sent into what is regarded as the temporary exile of a colonial governorship and whose feelings sympathies and interests are entirely foreign to our own

SIR CHARLES TUPPER

(J. W. Longley *Sir Charles Tupper* p. 55.)

CHAPTER II

THE GOVERNOR-GENERAL AND THE COLONIAL OFFICE

There is still a sense of novelty and unreality in the description of the Dominion Prime Ministers as "His Majesty's Prime Ministers" and of the British Prime Minister as only "His Majesty's Prime Minister of the United Kingdom." Instead of being, as now, the British Prime Minister's equal, in theory, each Dominion Prime Minister before 1926 was subordinate to his Governor General, who was a servant of the Colonial Secretary, who, in turn, was inferior to the British Prime Minister. And it is impossible to understand the position of the Governor-General up to 1926 without knowing something of the working of the Colonial Office, which, being his employer, imparted to him some of the odium in which it was held.¹

The notorious unpopularity of the Colonial Office, reaching its greatest intensity in the forties and fifties of last century, never really disappeared, even though it fluctuated, and was partly founded on very definite defects and was partly a rationalized dislike of authority, characteristic of adolescence, whether in individuals or countries. The complaints most commonly made against the Office were —(1) That it was the Cinderella department in the Government, (2) That the Colonial Secretaries and parliamentary Under-Secretaries were changed so often that they could not get to know the details of the Department or frame a satisfactory policy, (3) That, consequently, the Office was really run by the permanent staff who were unknown and irresponsible to parliament and public alike, (4) That the permanent staff lacked adequate knowledge for their tasks, were not interested in their work and were often appointed for reasons unconnected with merit and either that they were overworked or that they were idle; (5) That both permanent and political staff wanted to get rid of the colonies, (6) That there was prolonged and unnecessary

¹ The separation of the Dominions Office from the Colonial Office in 1925 occurred too shortly before the 1926 Conference to affect the argument.

delay in answering important despatches, which, indeed, did not receive the attention they merited, (7) That Governors were appointed on the principle of 'jobs for pals' or to get rid of inconvenient men, and not in accordance with the needs of the colonies, (8) That the more successful the Governor, the more likely he was to be recalled, (9) That the Office invariably failed to see the point of view of the colonists, and that if the Governor agreed with the colonists, unofficial opinions were given preference, (10) That the Office was inclined to sympathize with the "loyal" party in the colonies, did not judge each case on its merits and lacked imagination, (11) That, using the Governor as its tool, the Office interfered more in purely internal matters than was consistent with responsible government.

How far were these complaints justified? (1) It is correct to say that the Colonial Office was not considered as of great importance in the Government. It was not separated from the Foreign Office until 1854 and the offer of it to a capable statesman used to be considered 'almost an insult'.¹ Although some able men have been Colonial Secretaries, it was not until Joseph Chamberlain's time that the Office became, through his influence, of first-rate importance and has never since had the same prestige, though it is now regarded, as is the office of the Dominions Secretary, as of equal rank with all Cabinet posts, except that of Chancellor of the Exchequer.

(2) The Colonial Secretaries and parliamentary Under-Secretaries were changed very often but it must be borne in mind that the Colonial Office was not unique in this respect. In the last century the office of Colonial and Dominions Secretary has only once been held for as long as eight years, once for six years and three times for five years, while there have been as many as four changes in one year and the average tenure has been just over two years.² What rendered the changes unusually harmful was that many Secretaries would depend for their information largely on private letters from Governors and others, and when they left they would be as likely as not to take these with them and their successors know nothing of their existence. One must, nevertheless, be on one's guard against assuming that usefulness was necessarily commensurate with length of tenure. One

¹ K. B. Smellie *A Hundred Years of English Government* p. 91

² See Appendix B

Secretary, Lord St. John for example who held office for only a few months played a large part in instituting the first Colonial Conference¹ which was to have such pregnant consequences.

(3) Without doubt, the permanent staff were to a large extent responsible for policy, since they alone had time to master the facts concerning the great number and variety of colonies except when there was a Colonial Secretary such as Lord Grey or Joseph Chamberlain with a very definite policy of his own which he was determined upon. But again this was not a peculiarity of the Colonial Office but was true of all departments. It would further be wrong to assume that the permanent Under Secretaries were quite unknown an idea familiarized by Buller's Mr Mother Country, since even Buller had a very definite person in his mind at the time and was really ridiculing the much maligned Sir James Stephen. Buller was by no means alone in his dislike of Stephen whom another official described as one who more than any other man ruled the Empire.² This well known man was succeeded by Herman Merivile who had been a Professor at Oxford and Sir Frederic Rogers a fairly prominent lawyer after whom in Robert Herbert the ideal appointment was made. Herbert had been in turn private Secretary to Gladstone Governor and then Premier of Queensland before becoming assistant Under Secretary and then Under Secretary at the Colonial Office for over twenty years. In his time and that of his successors, who served for shorter periods and were less distinguished, less criticism was levelled at the permanent staff.

Nor was distinction confined solely to the permanent Under Secretaries. Henry Taylor served for years as a clerk, several Governors have been appointed from its ranks and Cardinal Manning an editor of *The Times* some famous scholars and three Cabinet Ministers were at one time employed in the Office.³

Some examples of the nature and scope of interference by the staff are well worth noticing. Henry Taylor in his *Autobiography* tells how he induced a Colonial Secretary to secure the recall of a Governor against his will by drafting a despatch of recall with all the faults in the Governor's administration

¹ W. H. Hallie Hambleton *Twenty Years at the Colonial Office in The Nineteenth Century*, April 1899.

² H. T. Taylor, *Autobiography* p. 123.

³ H. T. Hall *The Colonial Office* p. 767.

enumerated, and presenting it to the Secretary for signature ¹ When Sir John Young, of Canada, was dilatory in attending to business in the early days of his administration, an official of the Office suggested that "a friendly line could be sent to Sir John Young, impressing upon him the importance of keeping this office supplied with earlier information" This advice was acted upon by Granville, the Colonial Secretary ² But sometimes even an Under Secretary with the experience and influence of Herbert scarcely moved his chief

In 1883, shortly before he left Canada, Lord Lorne, the Governor General, made a speech in which he stated that Canada had the power to make treaties on her own responsibility with foreign nations ³ Galt, the ex High Commissioner, thereupon made a speech drawing attention to that of Lorne ⁴ It was just at a time when Canada was very keen to possess precisely this power but actually could not *make* any treaties on her own responsibility, though she could *conclude* commercial treaties The British authorities feared that if such power were ever granted the Empire would be disrupted and, consequently, the Governor-General's speech caused them some embarrassment Herbert called Lorne's reference to treaty making

a considerable mistake and a gratuitous one ⁵

He added —

Lord Lorne has been very successful during his term of office in steering clear of mistakes and it will be well to take no notice of this one *if* (and I am not quite sure) we shall not by doing so be held to accept and endorse a wholly unconstitutional doctrine ⁶

Derby, the Colonial Secretary, was practical enough to add —

Lord L. has certainly made a mistake, but I am afraid that we shall only make matters worse if we call attention to it ⁷

(4) The charge that the officials lacked knowledge has already been partly refuted in the mere mention of the names above But what of the qualifications of the rank and file how were they appointed, were they interested in their work and how much of it did they have to do? After 1877 candidates for office were

¹ H. Taylor, *Autobiography*, p. 70 But this happened as long ago as 1823 or 1824

² C.O. 42/667 12495

³ C.O. 42/774 9948

⁴ C.O. 42/774 10591

chosen as a result of competitive examinations and though it took some years to have its full effect, in due time excellence and not patronage was the key to entrance. In the early days the junior staff appear to have been neither overworked nor particularly interested in the colonies. An ex official tells us that, although the hours were only from twelve to five thirty, a nap after lunch was quite in order for anyone who felt so disposed and juniors, whose time hung heavily on their hands, found relaxation from copying despatches in playing fives in near by empty rooms. When senior officials objected to this, on the ground of noise, the young men were told to go and play elsewhere. And then, there was always a game of darts to fall back on, a game to whose attractions even senior officials were wont to succumb. There was for everyone an annual holiday of two months and any number of occasional days.¹ The same ex-official dates the beginning of the great change to earnest hard work from the appointment of Herbert as head in 1871.¹ With such a large Empire the work to do was great and constantly increasing, as was the staff, who systematically divided the colonies among them and each specialized in his own particular group. In this way their knowledge of facts and their interest were capable of steady development.

(5) There was considerable justification for the complaint that the Colonial Office was separatist. But, once again, it was not a weakness unknown outside the Office which, indeed, in this matter only reflected the views of parliament and public in general. Just as the strength of public opinion on the question of slavery was responsible for a man like Stephen becoming the counsel of the Office with the express purpose of affecting its slave policy, so did the staff, if not joining up in order to dismember the Empire, at least feel that it was their duty as good Englishmen to put nothing in the way of separation, if the colonies desired it. This was the view of Stephen and Rogers and was more common than that of Taylor who, calling the North American colonies a *damnum hereditas*, wanted to hasten their separation from the Mother Country, and wanted the Cape to be retained only for the sake of the natives.² Quoting again from the reminiscences of Mr. Baillie Hamilton, we have his opinion that when he recalls the general tenor of the policy that was openly and deliberately advocated by them as advisers of the Secretary of State, he can

¹ W. Baillie Hamilton, *op cit*

only wonder that Britain has any colonies left ¹ But when separatism went out of fashion and Imperialism came in, the permanent staff changed their tone and Herbert was no separatist So with the Colonial Secretaries

The most notorious separatist was Granville, whose despatch on the relations between Great Britain and Canada, may be said to mark the nadir of British interest in her colonies It stated —

Her Majesty's Government value the existing relation as a symbol and support of attachment They value it while it is valued by the Canadians and while it is useful to the Canadians They have no desire to maintain it for a single year after it has become injurious or distasteful to them You will be good enough to bring to my notice any line of policy or any measures which without implying on the part of Her Majesty's Government any wish to change abruptly our relations would gradually prepare both Countries for a friendly relaxation of them ²

Kimberley was opposed to adding to the Empire ³ but he was not separatist, though cynical about the Empire When Canada imposed differential duties in 1872 he wrote —

The sooner and with the better grace, we give way to them, the better for both (Yet) How can we then any longer speak of the Colonies as an integral part of the Empire? Very soon the only link between us will be the Governor—backed by whatever strength may be left in sentiment towards the mother country which our Policy has not of late years done much to encourage ⁴

Carnarvon, as Earl Grey had done long before, and then almost uniquely, believed in the maintenance of the Empire, and he was particularly anxious that Canada should not be absorbed by the United States ⁵ Later Colonial Secretaries, influenced by Imperialism and Imperial Federation, desired at least to retain the Empire but it was not until Chamberlain took office that an enthusiast for Empire appeared

It is interesting to note how Governors tended to reflect the views prevalent in the Office at the time, not solely, I believe, because they wished to curry favour, or were chosen with an eye to their views, but also because they were affected by the thought of their day Thus Sir John Young, serving under Granville,

¹ W. Baillie Hamilton, *op cit*

² C.O. 42/678 14th June 1869

³ H. L. Hall *The Colonial Office* p. 184

⁴ C.O. 42/708 9574

⁵ G.D. 6/26 Carnarvon to Dufferin, 8th April, 1874

advised Canada, in a public speech, to declare her independence,¹ and Earl Grey, becoming Governor-General of Canada just after Chamberlain had retired, rather alarmed the Dominion by his enthusiastic Imperialism.² Two Governors-General were hand-picked for their job. The third Earl Grey, who was Colonial Secretary, chose Elgin to prove that responsible government and adherence to the Empire were not contradictory,³ and Chamberlain saw in Lord Minto, who had no previous experience of politics, the ideal apostle of Imperialism and appointed him accordingly. Nor was he disappointed. In Buchan's words —

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with Mr Chamberlain at the Colonial Office, it was impossible for the new Governor General to be merely a spectacular figure, opening and dissolving parliaments, and giving automatic assent to ordinances. He was a representative of a new school of imperialist thought which Canada could not ignore, and with this new spirit abroad his office took on a greater significance.⁴

Thus it was that the Office was first accused, with justice, of separatism and later, equally justly, of over-keen Imperialism to the extent of undue interference.

(6) The complaint that the Office delayed answers to correspondence and did not give it due attention deserves a fairly detailed examination. Buller said that Mr Mother Country

... has perfected a complete art of irrelevant and apparently purposeless correspondence, by which he manages to spin out an affair until it either evaporates into something absolutely insignificant, or until at any rate the patience and interest of all parties concerned are completely worn out.⁵

There does not appear to be much justification for this extreme view. Canada was the first Dominion to be linked to England by cable, which was not until 1865, and this, naturally, only served for urgent matters. At that time it took fifteen to seventeen days for a despatch to cross the Atlantic by steamship and the length of the voyage to Australia may be gauged by the fact that when Molesworth was appointed Colonial Secretary in July,

¹ *Toronto Globe*, 28th July, 1873. See also "Sir John Young" in *Oxford Encyclopedia of Canadian History*.

² *Can. Ann. Review*, 1910, p. 41, and R. M. Dawson, *Const. Issues in Canada*, p. 70.

³ Earl Grey, *Colonial Policy of Sir John Russell & Administration*, p. 209.

⁴ J. Buchan, *Lord Minto*, p. 121.

⁵ L. M. Wrong, *Charles Buller and Responsible Government*, p. 159.

1855, the Australians did not hear about it until November, when he had already died¹ With the best intentions correspondence would be long drawn out under such circumstances

In cases of genuine delay, the fault more often than not lay with other departments of the Government. All despatches dealing with financial or tariff matters had to be referred to the Treasury or the Board of Trade, despatches on military affairs to the Foreign Office, and these departments often held up the Colonial Office until Colonial Secretaries almost despaired²

The Colonial Secretary, too, could not devote his whole time to attending to correspondence. He had to interview numbers of people, he had to attend Cabinet meetings, he had to consider his relationship with the Queen—who was very interested in Governors' appointments and their subsequent careers, as witness her reproof of Lord Kimberley for not giving Lord Dufferin "some warmer commendation than the negative form of approval expressed" in 1872³—and his relationship with the Prime Minister, the other members of the Cabinet, and his constituency, if he was a commoner, as well as with the permanent staff

So much for the question of delay. How about that of insufficient attention? The evidence points to correspondence receiving all the attention it merited. Something must be said of the method of conducting correspondence which, if not suffering from neglect, undoubtedly had some strange characteristics

No British Cabinet Minister communicated direct with a Cabinet Minister in the colonies, not even with the Prime Minister of Canada. When colonial Ministers, or groups of people, or individuals wished to address the Imperial Government or any department of it, such correspondence had to go through the Governor General, even if it criticized him. In this way he was enabled to defend himself or make any remarks he thought fit. This rule did not prevent the British Government from getting unofficial news from various people in the colonies direct⁴ nor did it prevent colonial Ministers from writing in a private capacity, and even offering suggestions, to British Ministers. On one occasion, for example, Macdonald, the Prime Minister of Canada,

¹ M. Fawcett, *Sir William Molesworth*, p. 335

² H. L. Hall, *The Colonial Office* pp. 30 seq.

³ Queen Victoria's *Letters* Second Series, vol. II, pp. 285-6

⁴ See post, p. 66

wrote to the Chancellor of the Exchequer, suggesting that Lord Dufferin's term of office should be extended ¹

All correspondence of a diplomatic character between the United States and Canada also had to pass through the hands of the Governor-General ²

The rules of correspondence bore out the inferior status of the colonial Prime Minister very clearly. He was not entitled to see all the correspondence which the Governor General received or sent. There were two classes of despatches (a) numbered despatches, and (b) unnumbered despatches ³. In the case of Canada the most important despatches were generally unnumbered. These again fell into two classes, (i) secret and (ii) private and confidential. This classification applied to despatches both to and from the Colonial Office.

(a) Numbered despatches could, but did not necessarily have to be shown to the Dominion Prime Minister, the Cabinet, or the legislature. They could, but did not have to be published, unless express directions were given by the Colonial Office to the contrary. The Governor-General, who knew more of local affairs than the Colonial Secretary, could thus use his discretion over withholding information he considered it unwise to divulge. Under responsible government, such despatches seem, almost invariably, to have been shown to the Cabinet, who would decide whether they should be shown to the legislature or not. In spite of the Colonial Office ruling, also, that despatches to the Colonial Office need not be shown to the Cabinet, the numbered despatches seem ordinarily to have been the work of the Cabinet, and the Governor General to have had little, if any, part in them, though some earlier Governors wrote important numbered reports. Sir Frederic Rogers, as permanent Under-Secretary, instructed a Governor not to write too full despatches, as if for the public, and not to treat as censure a request from the Office for explanation on information derived from sources other than the Governor ⁴. Examples of Governors writing numbered despatches may be found in Dufferin ⁵ and Lansdowne ⁶.

¹ J. Pope *Correspondence* p. 239.

² CO 42/696 1714.

³ On rules of correspondence, see *Regulations for His Majesty's Colonial Service* chapter iv.

⁴ Lord Blachford *Letters* pp. 253 *seq.*

⁵ See *post* p. 100.

⁶ See *post*, p. 166.

It is impossible to say how much subsequent Governors did on their own initiative, as the Records are not open after 1885, but they almost certainly did less and less.

Lord Lorne, when Governor-General of Canada, was reprimanded by the Colonial Office for giving correspondence between himself and the Colonial Office on the Letellier affair¹ to the Canadian House of Commons on his own initiative and he was reminded that he should have waited for an address of the House and the advice of the Canadian Privy Council, formally taken, before giving such correspondence.²

Colonial Parliaments have often expressed annoyance at having correspondence withheld from them.

(b) Secret despatches were not allowed to be shown to anyone by the Governor without the express authority of the Colonial Secretary, while confidential despatches could be shown to the Cabinet under obligation of secrecy, and the consent of the Colonial Office had to be obtained before any could be published. No reference to a confidential despatch was to be made in a numbered despatch and matters referred to in a confidential despatch must, if possible, be referred to also in a numbered one, so that the numbered ones by themselves would give a consecutive chronicle of events. The Governor had to keep all numbered and confidential despatches from the Office, and copies of those sent to the Office, in a "recognized office of record" and had to keep secret despatches, and copies of secret despatches, and hand them to his successor.

Some despatches were called "private" instead of "confidential" or might be called both, as in "most private and confidential" but that depended on the whim of the individual Colonial Secretary. Naturally many such despatches must have existed without the knowledge of either Cabinet or parliament.

There is an interesting example of a partial revelation of a confidential despatch being used as a means of silencing the Opposition—an objectionable procedure. When Tupper, the leader of the Canadian Opposition, continued to attack Aberdeen, the Governor General, for refusing his advice when Prime Minister, Laurier, who had succeeded him in office, stated that, although correspondence between the Colonial Secretary and the

¹ See *post* pp. 89 seq. and 163-4.

² C.O. 42/76. 4655

Governor-General was private, the former had approved of Aberdeen's act. This led to strong criticism of the Colonial Secretary.¹

If a despatch affected foreign affairs, the consent of the Foreign Office had to be obtained before its contents could be made known and on one occasion Dufferin was reproved for allowing diplomatic correspondence to be published without permission.²

Should colonial Cabinet Ministers wish to correspond with the Colonial Secretary, this was generally done by means of memoranda drawn up by the Ministers concerned and formally approved of by the whole Cabinet. The Governor-General would then submit the memoranda to the Colonial Office with the numbered despatch, and usually also an unnumbered one, setting out his own views. This would be answered by the Colonial Secretary in a numbered or confidential despatch, according to the nature of the subject, but if confidential, there would be simultaneous instructions that it should be shown to the Cabinet.

Despatches to and from the Colonial Office were often changed and substituted before passing out of the hands of the Governor and the Office. Since the substituted despatches were numbered and dated the same as those they displaced nobody was any the wiser. The changes would be made in the despatches of the Governor-General, after he had asked the Colonial Office for permission, if mature judgment or fuller knowledge made parts seem unsuitable. He would also advise the omission or alteration of despatches from the Office.³

It is interesting to see a despatch in its various stages. After receiving information from the Governor, newspaper cuttings, or other sources, permanent officials would minute their opinions or suggestions. These minutes, which were first employed in 1836 and finally established in the forties⁴ were in the beginning written only by senior officials but were, in 1872, permitted to all clerks, even the most junior. This gave them a good training in accurate thinking and clear expression and also gave an indication to senior officials where ability was to be found. Minutes often display a series of observations and suggestions

¹ *Can. H.C. Debates*, 8th May, 1859.

² *CO* 42/743. 26th July, 1876.

³ See a most enlightening article in the *Can. Hist. Review* vol. 13 1932 by W. M. Whitlaw on *Res. Govt. and the Irresponsible Governor*.

⁴ H. L. Hall, *The Colonial Office*, p. 6.

beginning with those of a junior clerk and ending with those of the Colonial Secretary himself. Though action could be decided on at any stage by a senior official writing instructions on the papers, in the early days only purely formal matters were decided by the permanent staff alone, and until the eighties most questions went to the Colonial Secretary for final decision,¹ and at the beginning of the century three-quarters of the correspondence was still seen by him.² Later, with the enormous growth of business, he could see only a limited amount.

After Herbert's appointment as permanent Under Secretary, in 1871, minutes on Canada almost invariably contained his suggestions and these were very often acted upon, receiving the bare initial of the Colonial Secretary or a cryptic "I agree," or were adopted with slight modification. Occasionally the Colonial Secretary would disagree with the permanent officials and then his would almost certainly be the more common-sense and practical suggestions. At other times the Colonial Secretary would give the outlines of a despatch he wanted written and this would be done by the permanent staff. The draft might again be altered by him. Then, after all, might come the substituted despatch. If the despatch came *from* a colony there would be only the original and the substituted forms of it in the records of the Colonial Office. Always all the various stages, all the minutes and instructions, perhaps written on scraps of paper, were most carefully preserved.

As W. M. Whitelaw points out, there were very often two despatches on the same subject and with the same date, one numbered and the other confidential, and if the public despatch was still considered as saying too much, it could be withdrawn and substituted.³ Or the unsigned draft despatch might be sent to a Governor with the request to cable whether he thought it should have any alterations in it before receiving signature.⁴

There are examples of Governors themselves writing draft despatches for Colonial Secretaries and these being adopted almost word for word. An amusing illustration of this is provided in Canada. Both Governor-General and Colonial Secretary felt the need to walk warily in their dealings with Edward Blake,

¹ H. L. Hall, *op. cit.*, p. 19.

² G. V. Fiddes, *The Dominions and Colonial Offices*, p. 10.

³ *Op. cit.*, p. 380.

⁴ C.O. 42/744. 28th December, 1876.

the Minister of Justice, who was strongly opposed to what he considered encroachments on their part. In 1872 the Imperial Government had disallowed a Bill which enabled the Canadian House of Commons to take evidence on oath. In 1874 Blake proposed introducing an almost identical Bill again, on the ground that it was within the rights of the House. Dufferin knew that it would lead to controversy between the Canadian Government and the Colonial Office and to another disallowance, and, to prevent this, wrote a draft despatch for the Colonial Secretary, which suggested, in terms of deference to Blake's legal knowledge, that in view of the doubt existing over the right of the Canadian House to pass the Bill, it would be advisable for the British North America Act to be amended to leave no room for doubt. Carnarvon did exactly as suggested¹ and the Act was duly amended.

In addition to despatches of various kinds, there were also private letters which were often more important than despatches for giving an insight into colonial affairs. Sometimes the difference between the despatch and the letter, or the formal letter and the informal one, was striking. When Lorne and his Cabinet were in disagreement over the Governor-General's powers under the Foreign Enlistment Act (an Act of the Imperial Parliament) they wrote a memorandum for the Colonial Office, in which they requested that it should be amended to define the Governor's powers exactly. Lorne added his formal approval in an accompanying despatch but in a lengthy private letter expressed disagreement with the idea.² Dufferin wrote a formal letter of introduction of his Minister of Finance, Cartwright, to the Colonial Secretary, in which he described him as

one of the ablest and most influential persons in the Ministry, and is a gentleman for whom I have always had a particular respect and regard.³

The private letter said he was

possessed of a certain amount of ability, though less than he himself imagines.⁴

The letters would depend on the personal relationship between

¹ C.O. 42/755 2798

² G.D. 6/26 22nd May, 1874

³ See *post* p. 130

⁴ G.D. 6/26 22nd May, 1874

Governor and Colonial Office staff. Some Governors, not intimate with any of the staff, would write despatches almost exclusively, others would write letters to the permanent head if they knew him better than the Secretary, others wrote occasionally or regularly to the Secretary himself. Carnarvon encouraged Governors to write to him and his correspondence with Dufferin, and Grey's with Elgin, are most important for a study of responsible government in Canada. Dufferin wrote copiously, in a neat, clear hand and described politics and politicians vividly, if rather contemptuously. In 1874, for example, he described his new ministry as "untried men" and said that some of them were 'imperfectly educated.'¹ Later he said —

My Cabinet as a whole is a very leaky vessel, and there are only three or four on whose discretion I can rely.²

On another occasion he remarked —

I think that if the session had endured a few weeks longer all my Government would have been laid up.³

Blake was a frequent topic of correspondence between Dufferin and Carnarvon, though Dufferin was scrupulously fair to him and always described his strong as well as his weak points. The apprehension caused by Blake's visit to England in 1875 is amusing. Dufferin wrote many letters of advice and the Colonial Office minutes stressed the necessity for collecting information so as to be well fortified against his arrival. He would have been highly gratified had he known

Dufferin also freely expressed his opinion of Canadian political life. He complained that men of ability "of whom I am sorry to say there are fewer than I could wish"⁴ preferred to devote their talents to business rather than politics.⁵ He objected to the violent language habitually used in political controversy and the way in which the parties were accustomed to 'bespattering each other with mud.'⁶ He said —

One has to be very sharp with these people for they are always intent upon making a little political capital for themselves, no matter at whose expense.⁷

¹ G.D. 6/26 18th March, 1874

² G.D. 6/31 3rd May 1877

³ G.D. 6/26 16th April, 1874

⁴ G.D. 6/29 5th April, 1876

⁵ G.D. 6/27 21st December 1874

⁶ G.D. 6/26 13th April, 1874

⁷ G.D. 6/31 27th April, 1877

Such remarks hardly helped to give the Colonial Office an exalted opinion of colonial politicians. But if Governors were contemptuous of local politicians, there was a humility, nay, an obsequiousness, in their attitude towards the Colonial Secretaries, and who could wonder, seeing that both approval of present acts and hopes of future preferment came from that quarter?

Governors were also encouraged to write to the Queen and she would sometimes write to them.¹

On one occasion, knowledge which the Colonial Office obtained *through the Governor-General proved awkward to the Canadian High Commissioner*. The office was created in 1879 and Lord Lorne, who was Governor-General, wrote to the Colonial Secretary to say that he had told his Government that he considered it essential that all instructions given or sent to the High Commissioner should be submitted to him.² To this the Colonial Secretary agreed.³ Galt, the High Commissioner, was nevertheless astonished at discovering that the Colonial Secretary knew all the details of his instructions. He grumbled to Macdonald —

I fear this will prove rather an indiscretion on the Governor General's part as it shows Lord K. all my hand. In future it is well that we should know that the Colonial Office knows all that you say to me.⁴

O. D. Skelton says that Galt had intended getting the British Government committed to aid emigration but that this revelation spoilt his plan.⁵

With the passage of time the desire for more direct contact between colonial and British Ministers than was possible through Governors and Colonial Secretaries became increasingly manifest, as was clearly seen in the appointment of High Commissioners and the frequent visits of colonial politicians to England when any important issue was at stake. The desire manifested itself in two forms, (a) that the self governing colonies should no longer be under the Colonial Office, (b) that it should not be necessary to submit all correspondence through the Governor-General. Eventually both requests were granted.

In 1907 Mr Deakin, of Australia, suggested that the business

¹ *Queen Victoria's Letters*, Second Series, vol. II, pp. 279-280. *Ibid.*, vol. III pp. 585-6.

² CO 42/760 27th March, 1879.

³ CO 42/760 5295.

⁴ O. D. Skelton, *Life and Times of Sir A. T. Galt*, p. 529.

⁵ *Ibid.*

of the self governing colonies should be detached from the Colonial Office and transferred to the Prime Minister,¹ and in 1911 General Botha, of South Africa, expressed the same wish.² When the Colonial Secretary Mr Harcourt, said that it would lead to unnecessary duplication of staffs Mr Fisher, of Australia, suggested placing the self governing colonies under the Foreign Office.* This showed that the dislike felt for the Colonial Office was still there and that the colonies' relationship with it implied an inferiority which was becoming irksome.

At the 1911 Conference, too, the Prime Minister of New Zealand, Sir J. G. Ward, expressed the wish that in communications between the Imperial Government and those of the self governing colonies, the Governor-General should be cut out, though correspondence between him and the Colonial Secretary should be left undisturbed. This suggestion shows to what a large extent the Governors must already have been eliminated from influencing the policy of their Cabinets, and it is strange that the proposal should have come from New Zealand, which was the last to carry it out.³ The Canadian Prime Minister, Laurier, was not in favour of the innovation and said —

the Governor-General communicates direct with the Imperial Government, but I am sure that there are constantly occasions when a despatch is sent to the High Commissioner asking him to press the matter on and see the Secretary of State for the Colonies and represent to him the views of the particular Dominion Government. We know that beside the official despatch there is the confidential talk, in which more meaning is conveyed than in a despatch.⁴

Nevertheless, the feeling persisted that the British Prime Minister should be more directly in contact with the Dominion Governments and this was partly satisfied by the substitution of the British Prime Minister for the Colonial Secretary, as Chairman of the Imperial Conference, but he was too busy to undertake the control of the Colonial Office, as far as the self governing colonies were concerned.

The 1918 Imperial Conference,⁵ meeting during the Great War, permitted a modification which was manifestly overdue, through the need for speedier decisions in war time, namely, direct correspondence between British and Dominion Prime

¹ Cd. 3523

² See *post* p. 235

³ Cd. 9177

⁴ Cd. 5745

⁵ Cd. 5745 p. 85

Ministers on matters of Cabinet importance of which the Prime Ministers were to be the judges. It was stated that the decision was for reasons of speed only and did not imply dissatisfaction with the Colonial Office, but this was probably said less with conviction of its truth than with a desire to say the polite thing. Telegraphic communications were to continue through the Colonial Office, as a rule, though direct cabling might be substituted if the Premiers wished. The Governors General were consulted and agreed to the change, as, of course, they very well had to do. It meant that their chances of influencing policy were reduced to a minimum, as well as their function as liaison officers between Imperial and Dominion Governments. It was, in fact, at the 1918 Conference that Borden, the Canadian Prime Minister, defined the Governor General in terms which have since become fashionably and even formally adopted. He said —

So far as the status of the Governor General is concerned while he is an Imperial officer, I venture the assertion that in Canada he regards his relation to the Government of Canada as of precisely the same character as the relation of the King to the Government of the United Kingdom. That has been my experience during the past seven years.¹

In 1919 General Smuts submitted an interesting paper for Mr Lloyd George's consideration,² in which he suggested that the position of the Governor General should be approximated to that of the King, by severing his connection with the British Government, that he should cease altogether to be a channel of communication between the Dominion Governments and the Colonial Office, "if this office continues to exist in reference to the Dominions", and by appointing local citizens, instead of Englishmen, who tended to be "selected from among the less successful of British politicians". Each Dominion could then appoint a Minister in England as its representative and the British Government could use him for communications, or, if they preferred, could appoint their own agent in the Dominion to represent their views and interests. This change, said Smuts, would make it unnecessary to hold the constitutional conference as postulated in 1917.³ Coming events were casting their shadows before. Their fulfilment will be discussed in a later chapter.⁴

¹ Cd 9177 p. 158

² R. L. Borden *Memoirs* vol. ii pp. 900-910

³ See *post* p. 276

⁴ See *post* pp. 229 *seq.*

(7) Governors were alleged to be appointed on the principle of "jobs for pals" or to get rid of inconvenient men, and not in accordance with the needs of the colonies. Normally they were chosen by the Colonial Secretary who would consult also the Prime Minister and the Queen. The influence of the Prime Minister would depend on the degree of his control over his Cabinet and his interest in the colonies but the Queen's was constant. She was pleased when Disraeli, on Hicks Beach's behalf, suggested the appointment of Lord Lorne to Canada. He was married to the Queen's daughter, Princess Louise, and it would be such a "fine, independent position for dear Louise" ¹. She would have liked his successor to be her son, Prince Leopold, and she wrote to Derby, the Colonial Secretary, to say that she would delay the consideration of Lansdowne's name until she heard his view on Prince Leopold's appointment, although she did "not think it right to influence (him) with her own feelings on the matter". When Derby again submitted Lansdowne's name, the Queen agreed, saying that she wished later to be given the reasons why her son had not been appointed, and that she hoped he would get a chance later ². In all other cases whether in Victoria's reign, or subsequently, the right of the monarch to have a gubernatorial appointment submitted for real consideration was undoubted, but usually it was the Colonial Secretary who exercised control. Indeed, when Lorne asked the Prime Minister whether his appointment had been suggested by his predecessor, Dufferin, he was told that such a suggestion would have been impertinence ³.

After 1839 Liberals twice appointed Conservatives to be Governors General of Canada, these being Elgin and Young. Elgin was an outstanding example of the choice of the best man available, irrespective of party considerations, having been chosen for his well known ability by a Colonial Secretary, Grey, who had not even met him. Young was not a true political opponent of the Government, being in general agreement with Gladstone. His appointment was made partly because he was the only suitable person at the time prepared to take office ⁴ and partly because, in spite of his general agreement with the

¹ Queen Victoria's *Letters*, Second Series vol. III, p. 631

² *Ibid.*, p. 422.

³ Argyll, *Passages from the Past*, vol. II, p. 395

⁴ See *post*, p. 74

Liberals, he did not share their views on the ballot. He is thus an exemplification of the theory that appointments were sometimes made to get rid of inconvenient men. For another such appointment one must go to Durham himself. No other Governors seem to have been appointed to Canada on this principle although there is an example of the exact opposite happening, that is, of wishing to withdraw a Governor, without consideration of the needs of the Dominion, for the sake of the fortunes of the party at home. When Salisbury formed a Government in 1887 he cabled to Lansdowne, the Governor-General offering him the War Office or the Colonial Office but he refused.¹ Lansdowne had begun as a Liberal but became increasingly Unionist. Earlier, in 1884, the Liberal Government had asked him to come home on leave to vote on the Franchise Bill but on this occasion he also refused.²

In the same period Conservatives three times appointed Liberals as Governors General of Canada, one being Lord Lorne, whose party affiliations were considerably weakened by his marriage with the Queen's daughter, and another was Grey, who was, like the Conservatives, an enthusiast for the Empire and in their eyes, therefore, a fit successor to Minto. Minto himself belongs to a group of four Governors who had no political ties, but, again, his appointment by Chamberlain was in accordance with the Colonial Secretary's deliberate plan of choosing a crusader who would educate recalcitrant Canadians in accordance with his ideals. The choice of a Governor without political experience was thus paradoxically a most political appointment. Of the four such appointments, three were soldiers—Minto, Byng and the Duke of Connaught, who, as a royal Governor-General, was assumed to have no politics.³

Superficially, then, party considerations were uppermost. It was, of course, only natural that parties should choose men from their own ranks if they were suitably qualified, but a more thorough investigation of the question leaves the impression that motives of politics seldom went beyond this. Two facts must be borne in mind. (a) Canada provides no example of the recall of a political opponent or even of failure to support him. It was a feature of English political life until comparatively recently

¹ See *post* p. 166.

² See *ante*, pp. 6-7.

³ Lord Newton, *Lord Lansdowne* p. 31.

that members of parliament of both parties were chosen from strata in society with very much the same ideals on good form and ethics in general and political cleavage was far more apparent than real. When the Conservatives came to power in 1874, for instance, the relations between Dufferin, the Canadian Governor-General, and a former fairly prominent Liberal, with Carnarvon, the new Colonial Secretary, were more intimate than they had been with his Liberal predecessor, Kimberley. Dufferin and Carnarvon were friends and each seemed anxious to outdo the other in throwing bouquets at his correspondent. A close study of many hundreds of despatches and letters in the period 1867 to 1885 leaves me with the conviction that it is impossible to discover even an under-current of the feeling, "I'm a Conservative and you a misguided Liberal," or *vice versa*, between Colonial Secretary and Governor General but, instead, there stands out vividly the attitude, "We superior English and those Colonials" (b) It would be unjust, nevertheless, to assume that the interests of the colonies were neglected. Even Chamberlain at his most blatant—and he *could* be a trial, as, when, for example, he extolled Anglo-Saxon virtues to a Canadian audience which was largely not of British descent—sincerely believed that his schemes of Imperial Federation and Imperial Defence were the best for all parts of the Empire. Of Grey, the Governor-General, precisely the same may be said. When he first went to Canada his advocacy of Imperialism was so open as to cause very strong criticism of him as the tool of the deep designs of Downing Street¹ and Ewart was one of his most bitter critics. Later, however, he wrote —

If in his earlier stages he kept us timid and apprehensive about his federation schemes, we at least never doubted the sincerity of his conviction that the faith he proposed was the best for Canada.²

Until 1888 it was taken for granted that the appointment of Governors was made by the Colonial Secretary, without consulting colonial opinion. In 1869, for example, when Young was appointed to Canada, he was even unknown to the Canadian Prime Minister, Macdonald, by repute, and Monck, the then Governor General, wrote to Macdonald giving him details of Young's career.³

¹ See post, p. 211

² *Kingdom Papers* vol. 1, p. 119

³ J. Pope, *Correspondence of Sir John Macdonald*, p. 73

And so with the subsequent appointments. When in 1888 the suggestion came from the colony of Queensland that Governors should not be appointed without prior consultation with the Governments of the colonies, the Colonial Secretary, Knutsford, sent a circular despatch to the self governing colonies requesting their opinions on this point. Though most Australian colonies agreed with Queensland, in Canada support for the idea was found only among some Liberals, in whose ranks were even men daring enough to suggest the appointment of local Governors Macdonald, and his Conservative followers generally felt that the Imperial Government should continue to have unfettered choice, to avoid all suspicion of partisanship in the Governor-General. He accordingly replied that after consulting his Cabinet, he was perfectly satisfied with the present arrangements and that he would greatly regret any change which might introduce a disturbing element and might eventually lead to the election of the Governor.¹ The Canadian Government even at first refused to make any requests that the period of office of the Governor-General should be extended.² It is not surprising, therefore, that the Colonial Office replied that Governors owed their appointment to the Crown alone and that if the local ministry had a voice in the appointment he might show favouritism, especially over the grant of dissolution.³ This decision was in accord with previous Colonial Office theory. Grey, as Colonial Secretary, had said that if Britain was to have colonies at all, the appointment of Governors must be retained by the Crown.⁴

Yet in this, as in many other respects, the Colonial Office, having proceeded to find the best theoretical reasons against the adoption of a colonial suggestion, forthwith proceeded to put it into practice and, as far as the protesting Australian colonies were concerned, in future no appointment disliked by them was made, and this merged imperceptibly into actual suggestions being made by the colonies. As far as Canada was concerned, appointments were made for some time by the British Government alone but afterwards Canadian opinion was sought beforehand and, in 1916, when the Duke of Devonshire's appointment was announced as an accomplished fact without the Canadian Prime Minister,

¹ J. Pope *Correspondence* pp. 300 and 433.

² *Cambridge History of the British Empire* vol. VI p. 697.

³ A. B. Keith *Responsible Government* (1912 ed.) pp. 83 seq.

⁴ Grey *Colonial Policy*, p. 19.

Borden, being consulted, he protested strongly.¹ Subsequent appointments were announced in the Canadian press as being made with the approval of the Canadian Government. Canada was much later than the Australian colonies and the Commonwealth, when it came into existence, in taking the initiative over appointments.

(8) Wakefield was responsible for the accusation against the Colonial Office subsequently taken up by others, that the more successful the Governor, the more likely he was to be recalled.² The facts belie this charge most conclusively. On account of the difficulties of communication, Governors in the early days had often to make important decisions without reference to the Colonial Office, and very rarely failed to get *ex post facto* approval. Grey's statement as Colonial Secretary, that Her Majesty's Government was always anxious to put the most favourable construction on a Governor's conduct,³ is amply borne out by the facts. Even notorious cases of official disapproval, like those in which Sir Benjamin D'Urban and Sir George Grey were involved, show that the Colonial Office was not acting out of mere perversity or dislike of ability. Canada provides the example *par excellence* of Colonial Office support of a Governor's policy of which it most heartily disapproved. When the able Bagot was driven by the logic of circumstances to adopt what was practically responsible government, in spite of the distrust of Stanley, the Colonial Secretary, of this form of administration, he was not recalled, but was defended in Parliament by Stanley, and his reproof consisted merely of the negative form of giving a minimum of approval, when addressing the Governor in a despatch.⁴ Admittedly, the next Governor General, Metcalfe, was chosen with the intention of preventing a development of responsible government but, after all, the Colonial Office did not have only Stanleys and Taylors, it had also Greys and Herberts, and after Elgin's time it may much more truly be said that the Secretaries did their utmost to find able Governors and give them full support than that they desired only passive instruments of their policy.

¹ R. L. Borden, *Memoirs* vol. II p. 601

² *The Art of Colonisation* p. 254

³ *Colonial Policy* p. 213

⁴ He expressed some doubts of the wisdom of Bagot's methods in a private letter. W. P. Morrell *Documents* p. 58

(9) The Colonial Office was accused of failing to see the point of view of the colonists and giving preference to unofficial opinions if the Governor agreed with the colonists. There is considerable justification for this view. All too often there was an assumption, encouraged by the Governors, that colonists were perverse by nature. If they were able and independent-spirited then they ran the risk of being described as the Lord Chancellor characterized Blake, as "arrogant and presumptuous,"¹ because he dared to hold views on the rights of the Canadian Government a little in advance of those conceded at the time by the Colonial Office. The belief in the inherent inferiority of the colonists was countered by a defiance on their part. In Canada the attitude of the Office, unlike in South Africa with its native problems, had no very harmful result but, after some feints in the direction of fusion with the United States, hastened the growth of a real, if self-conscious, nationalism which was not to be regretted in a colony bordering on so great a neighbour.

Often one can watch a Governor, beginning his administration with the typical attitude of superiority to the colonists and assumption that the Colonial Office was always right, come to identify himself with the local point of view. He begins to refer to the colonial Government and himself as "us" and writes about "our" point of view, as, for example, when Lansdowne in Canada wrote to the Colonial Secretary —

What we want is an announcement from you that you will not leave us in the lurch.²

Or even more explicit —

What we are afraid of is that matters which are of vital importance to us may seem trivial to you, and that in your desire to avoid trouble and complications you may call upon us to abandon rights which are undoubtedly ours, and of which you can from a distance scarcely realize the value.³

Even more striking is the conversion of the arch-Imperialist, Lord Minto, who, after some years in Canada, stated that pig-headed British assertiveness was much more to be feared than French sympathies⁴ and, yet more astonishingly, came to describe

¹ C.O. 42/748 2706

² Lord Newton, *Lord Lansdowne*, pp. 41-2

³ *Ibid.*, pp. 47-8

⁴ J. Buchan, *Lord Minto*, p. 162.

his master, Chamberlain, whose special choice he was, as "a hard-headed man of business, bent on the idea of utilizing our colonial possessions for imperial benefit" ¹ He added —

I suppose my eyes have been opened by my life on the other side of the Atlantic, for I confess that there is much that is very insular at home in ideas and knowledge of mankind ²

Did the Colonial Office in such cases give preference to unofficial opinions? It is difficult to generalize since so much depended on the degree of intimacy, and therefore of trust, between Colonial Secretary and Governor. The documents show that very often the advice of the Governor General was acted upon and then he did invaluable service as a go between. Though the Governors General were the agents in-chief of the Colonial Office in their respective colonies, unofficial opinions were regularly submitted also and Governors themselves sent numerous newspaper cuttings, representing all shades of opinion, on each important issue, as part of their routine duties. This was not necessarily a bad custom, as it could be interpreted as a desire to get all points of view and not just that of the Governor, who might be prejudiced against a section of the colony. Manifestly, too, if the colony was under the Colonial Office, it was only fair that access to it should be unhindered, if individuals or groups of people wished to communicate with it. The danger was that these opinions, as so often happened in South Africa, might not be the result of unbiassed thought but of highly-coloured emotional thinking, and that they should be given preference to those of the Governor, who was, after all, well qualified to get a variety of different points of view and therefore form a sound judgment. I know of no case in Canada, however, where a Governor's opinion was set aside in favour of unofficial opinion. When the Governor's opinion was not acted upon it was rather because of the feeling that, fit though he was to express the colonists' point of view, his nearness to the problems involved disqualified him from seeing them in their proper Imperial setting. It could more truly be said that, taken by and large, it was not unofficial opinions that weighed most with the Office, but what it considered were the interests of the Empire as a whole,

¹ J. Buchan, *op cit.*, p. 199

² See *post* p. 128

of which the Governor General was not considered to be a good judge. In purely domestic affairs the Governor's opinion would count for far more than that of unauthorized persons, however exalted.

(10) It was said that the Office inclined to be sympathetic towards the "loyal" party in the colonies, did not judge each case on its merits and lacked imagination. Before responsible government was firmly established by Elgin, this was a just accusation. Stanley, as Colonial Secretary, with his twin fears of French predominance and democracy on the American model, openly favoured the "loyal" party in Canada. He said that the Governor should choose as his advisers those who were (a) loyal to the Queen, (b) attached to the British connection, (c) efficient and faithful.¹ Although he said that they should be chosen irrespective of party, his definition pointed to one group only and excluded the French and radicals and, of course, made responsible government deliberately impossible. He further instructed Metcalfe to keep patronage in his hands. When this ultra loyal and conscientious Governor nearly came to grief in carrying out his instructions, he was warmly supported by Stanley.

But with Grey at the Colonial Office and Elgin in Canada, the policy was intentionally adopted of "letting Canada go to the devil in her own way." They refused to assume that there was a natural connection between them and the "loyalists." When Elgin was so bitterly criticized for taking the advice of his Government and ignoring that of the "loyalists," he obtained full public support from Grey. From then on the Colonial Office did not have to consider each issue arising in the self-governing colonies, since it was their own affair, unless Imperial issues or relations with foreign countries were involved. And it required both considerable imagination and courage, or, in other words, supremely great statesmanship, to forgo power and control and entrust it to those whose fitness for it was still a matter of dispute.

Nevertheless, the charge continued to be made that the Colonial Office was partial. Although a Liberal Government was in power in 1872, Canadian papers did not hesitate to attribute the special disallowance of the *Oaths Bill*,² passed by the Conservatives

¹ W. P. Morrell *Brit. Col. Policy in the Age of Peel* p. 52.

² See post p. 78.

Canada, to partiality towards the Canadian Premier, Macdonald. This annoyed Kimberley, who wrote in the cryptic remark:—

There is no *usual* time for disallowance.¹

The Colonial Secretary was justified in feeling annoyed. To Dufferin's long despatches on the Canadian Pacific Railway Scandal, of which the Oaths Bill was a direct consequence, the Office returned only the most formal acknowledgement and even the minutes show an amazing lack of comment. Kimberley did not go beyond writing to Granville —

Macdonald and his Govt. seem to be in a real mess. He can't be made a P.C. till he has cleared himself of the charges against him.²

When, in 1877, the Colonial Secretary, Carnarvon, replied to a resolution of the Canadian Senate expressing appreciation of the refusal to create additional Senators,³ that he observed their expression of appreciation with much satisfaction,⁴ Mackenzie, the Prime Minister, protested at the use of the words "with much satisfaction" on the grounds that the Government had had a perfect right to make the request and that the resolution was passed by a strict party vote. He requested the omission of the words before the despatch was published.⁵ Carnarvon immediately agreed.

An instance of the care the Office took to appear impartial is provided in 1871 when a senior official ordered a despatch to be written so as not, as suggested by a junior, to express satisfaction at the results of the Manitoba elections, but only at their orderly manner.⁶

Chamberlain found it irksome to appear impartial when there was a Liberal Government in power in Canada and which looked askance at his Imperialist schemes. Laurier, the Prime Minister, knew his colleagues well enough and was great enough to propose to the Colonial Secretary, during a visit to England for a Conference, that he should interview his English-speaking colleagues privately. Chamberlain, who had thought that Laurier's views were peculiar to himself, as a "very imperfectly assimilated settler," was ^{CO 42/719 8572} ~~settled~~ ^{he Imperial Government was considering bestowing this honour on him.} but who ^{42/748 4389} ~~settled~~

¹ '31 Mackenzie to Dufferin, 28th May, 1877
7696. 1884

Englishman" ¹ and to his French colleagues, jumped at the suggestion. His delight proved to be short lived, for he soon saw that the English speaking Liberals shared their leader's views and had no enthusiasm for contributing to the Imperial Navy ²

Chamberlain revived the distrust of the French Canadians for the Colonial Office and the Quebec press for many years suspected the Office of dislike of them and over-sondness for the Conservatives, who did give more hearty response than the Liberals to Imperialist plans. Liberals, in general, came to accuse the Conservatives of too great subservience to Downing Street and of being its pets. Thus, when the crisis occurred in Canada over the Governor General's refusal of a dissolution to his Prime Minister in 1926 although the Office had nothing to do with it, ³ the Liberal press widely accused Byng of strong *favouritism towards the Conservatives, at the behest of the Colonial Office*

The question of impartiality in the Colonial Office merges with that of the degree of its interference, to which we will next turn our attention. But first let it be said that as far as the accusation of partisanship went, the boot was often on the other leg and the Canadian Government would show an undoubted dislike of one or other British party. In 1870 Macdonald wrote to Carnarvon, who was then in Opposition, and he it noted, a Conservative, as was Macdonald (though the same name did not always mean the same thing on both sides of the Atlantic) —

We greatly distrust the men at the helm in England who cannot I fear, be considered as appreciating the importance of maintaining the Empire as it is intact ⁴

In 1880 the Conservatives still distrusted the English Liberals for their by then considerably weakened leanings towards separatism, and when Gladstone returned to power in that year, the Canadian Government, and Galt, its High Commissioner in London, took no pains to conceal their dislike, and it was not only Kimberley's aloofness which was responsible for a lack of heartiness in the relationship between them or for the unsatis-

¹ O. D. Skelton *Life of Laurier*, vol. ii pp. 299-300

² See *post* p. 208

³ J. Pope *Correspondence*, p. 132.

factoriness of their interviews, about which Galt complained to Macdonald¹

We may, I believe, safely assume that as far as the great majority of Colonial Secretaries were concerned, they felt very little beyond a mixture of pity and contempt for any and all Canadian parties and that the cleavage between Englishman and 'Colonial' was always much deeper than the identity of interest between British and colonial parties which happened to have the same name

(11) Finally we come to an accusation which calls for a fairly detailed consideration, namely, that the Colonial Office, using the Governor as its tool interfered more than was consistent with responsible government in the internal affairs of the colony. It will be necessary to survey in outline the theory underlying interference or abstinence from it, then we shall investigate examples of what may be called authorized interference, that is, under the British North America Act and the Governor's Instructions, and lastly some cases of interference or absence of it in issues whose emergence was unforeseen

No survey, however brief, of Colonial Office theory, would be complete without reference to Lord John Russell's famous dilemma, that full self government was inconsistent with the status of the colonies as possessions of the Crown. In his words —

It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen, and advice from his executive council, totally at variance with one another. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails, if, on the other hand he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign²

the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor receiving instructions from the Crown on the responsibility of the Secretary of State³

Durham had said that it was possible to separate matters of purely internal concern from those which were imperial, the latter being foreign relations, trade with the Mother Country, the other colonies and foreign nations, and the disposal of public

¹ O. D. Skelton, *Life and Times of Sir A. T. Galt* p. 529

² H. E. Egerton and W. L. Grant, *Can. Const. Development* p. 267

³ W. P. M. Kennedy, *Documents of the Can. Constitution* p. 479

lands, and that the Governor must look for support from the Home Government only when he supported imperial interests. In practice it had been impossible to maintain the distinction and Russell, in particular, had stressed that no such division could be made, as many matters which might appear to be of purely internal concern might affect "the honour of the Crown or the faith of Parliament, or the safety of the state" ¹

Far too often these views have been quoted as a means of ridiculing Russell. But the dilemma was no artificial one, nor was it, in Adderley's words "an impossible fiction" ². Experience taught Dufferin precisely how real it was. He wrote —

A colonial Governor is like a man riding two horses in a circus—no matter how completely he has the one beast under control the other will be sure to play him some unhandsome trick, by flying off at a tangent on the strength of a false rumour, or some extraneous hallucination ³

Buchan, too, said —

A Governor-General in an autonomous Dominion walks inevitably on razor-edge

Advice to Ministers in their administrative work, and a constant effort to make sure that Britain and the Dominions see with the same eyes and speak the same language—these are the duties which make far greater demands upon character and brain than the easy work of a dictator ⁴

Either imperial control exercised through the Governor, or practical independence, with the Governor answerable only to his own Dominion Government. These were the alternatives Metcalfe showed that the former would surely lead to disaster and Elgin and his successors followed the other path which surprisingly—because neither did Englishmen have much faith in the attachment of colonists to the Mother Country, ⁵ nor did the colonists give many manifestations of it ⁶—has led at one and the same time to an amazing amount of self government and to strong sentimental ties with the Mother Country. Nations are, after all, conglomerations of individuals and their feelings towards the Mother Country (a significant term to the psychologist) are governed by much the same rules as their feelings towards their mothers. No adolescent boy waxes

¹ Egerton and Grant, *op. cit.*, p. 267

² C. Adderley, *Review of Col. Policy of Lord J. Russell & Ad.*, p. 25

³ G.D. 6/27 Dufferin to Carnarvon, 19th September 1874

⁴ J. Buchan, *Lord Minto*, p. 122. Published in 1924

⁵ H. Taylor, *Autobiography*, vol. II, p. 237. See also *post* pp. 113-14

⁶ See *post* p. 103

sentimental over his mother, because he is aware of her authority, however discreetly exercised, but when he leaves home he is likely to develop a fondness for songs and poems of the "Mother Machree" type

In judging Russell, it must also be remembered that it was he who made possible the development of responsible government, with the change which it implied in the Governor's status, by his despatch of 1839, which laid down that in Canada political office was not to be held during good behaviour but that its occupants should be liable to be called upon to retire for motives of public policy or other reasons when found expedient¹ This meant cabinet government instead of government by a council of Governor's favourites, in the ultimate issue

By 1846 Colonial Office theory had gone as far as it was ever to go unassisted In that year Grey wrote a despatch to the Governor of New Brunswick which, although characterized by Adderley as "a paternal system of go-cart government,"² gave the clearest exposition of a Governor's duties in his dual capacity as agent of the Office and head of the colonial government that is to be found and which was only superseded in 1926 Briefly, the Governor was instructed (a) not to dismiss, except for the most urgent reasons, advisers with the confidence of the Lower House, since changes must come about as a result of the action of the people and not of the Governor, who must be impartial, (b) he might very sparingly use his right of veto over measures which were being passed for party, rather than public objects; (c) refusal of advice was to be considered a legitimate ground for the resignation of Ministers because "it cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the government of any of the British Provinces in North America in opposition to the opinion of the inhabitants", (d) if the Governor, confident of the support of the people, or in matters of very grave concern, refused advice he must give his reasons in "written documents, capable of being publicly quoted."³ Nevertheless, the Governor, on his own initiative, or on instructions from the Colonial Office, was fully justified in interfering beyond the otherwise restricted limit of "checking, so as to give an opportunity for further reflection," if imperial interests

¹ Grey, *op cit.*, p 202.

² Grey, *op cit.*, pp 209-212.

³ Adderley, *op cit.*, p 5

or relations with other countries were involved. Interference would also be justified in purely local matters if there was undoubted great corruption or injustice, or if there were dangerous struggles between different groups and different districts.¹

This did leave loop-holes for interference but although, as we shall see, it steadily diminished in practice the theory remained very much the same. Nobody opposed responsible government any more—even Stephen came heartily to approve of it—but the minutes, letters, and despatches of successive Colonial Secretaries showed that they realized that the system was still in a process of development and hesitated to prophesy or lay down new solutions. Whether or not, like Granville and Russell,² they felt that separation was likely, the only acceptable theory was the one rather well expressed in the words of the Duke of Newcastle when he was Colonial Secretary —

In granting responsible government to the larger colonies of Great Britain the Imperial Government were fully aware that the power they granted must occasionally be used amiss. But they have always trusted that the errors of a free government would cure themselves, and that the colonists would be led to exert greater energy and circumspection in legislation and government when they were made to feel that they would not be rescued from the consequences of any imprudence merely affecting themselves by authoritative intervention of the Crown or of the governor.³

When Imperial Federation and Imperial Defence were being advocated, Chamberlain, as Colonial Secretary, thought that *here lay a means of co ordination, and especially of reviving imperial control at the cost of some limited right of advice in imperial policy being given to the Dominions*, and the suggestions made at Colonial Conferences and elsewhere will be studied presently. What is important to notice is that, both as regards the theory of those who were enthusiasts for federal control and in the practice of the Conferences themselves, the schemes for, and actual instances of, contact did not involve the Governors-General. They were ceasing to be regarded as the natural representatives of their colonies in their dealings with the Mother Country and were becoming, more and more, chiefly the formal heads of their own Cabinets, who were being represented outside their own domains by Ministers and High Commissioners.

¹ Grey, *op cit.*, pp 16-21.

² See his famous speech of 1850.

³ A. Todd, *Parliamentary Government in the Colonies*, p 630.

Let us now see what the theory was in particular instances and how it worked out in practice. The Governor-General had to fulfil his duties in accordance with the provisions of the British North America Act, he also had to follow his Instructions which were issued under prerogative and were not found in an act of the Imperial Parliament, at any other time supplementary instructions might be issued to him by the Colonial Secretary. By section 55 of the British North America Act, he was instructed that, according to his discretion, and subject to the provisions of the Act, and of his Instructions, he was either to assent to Bills presented to him, or to withhold assent, or to reserve them for the Queen's assent.¹ There are no examples of refusal of assent to Dominion legislation but reservation on the Governor's own discretion, as well, of course, as according to his Instructions, has taken place. In 1867 Lord Monck, the Governor-General, reserved a Bill reducing the Governor's salary from £10,000 to £6,500 per annum. By the British North America Act, the Canadian Parliament had been given full control over the Governor-General's salary.² They would naturally resent it, if the Bill was promptly refused assent as soon as they exercised that power. The Office nevertheless, although fully aware of the bitterness that would be caused, felt that for the sake of the prestige of the Dominion, it would be best to take the advice of Monck who was very strongly opposed to the Bill,³ because of the difficulty of getting a good man to accept the office at that salary, the consideration of which was the chief cause which led Lord Mayo to refuse the office in succession to Monck. On the advice of Monck, therefore, Buckingham wrote to say that the Bill would not receive assent because

The person who discharges such exalted functions ought to possess not only sound judgment and experience, but also an established reputation.⁴

There are two outstanding examples in Canada of refusal by a Governor to use discretionary reservation. Elgin's refusal to reserve the *Rebellion Losses Bill* was a *statesmanlike act* since it put the onus of responsibility on him instead of the Colonial

¹ Period of reservation was two years, like New Zealand. For Australia and South Africa the period was one year.

² S. 105. Unless altered by the Parliament of Canada the salary of the Governor-General shall be £10,000.

³ See *post* p. 220.

⁴ Can. Sess. Pap. 73 of 1869.

Office and showed his adherence to the principles of responsible government by his unwillingness to discriminate against the French. Dufferin refused to reserve the Oaths Bill although there were doubts on its legality, as he, too, did not wish to appear a partisan. That he was wise was shown subsequently when even the Imperial Government was charged with partiality for disallowing it.

According to the Instructions, the Governor had to send copies of all Bills to the Colonial Office, after they had received his assent. There was no hurry to comply with this requirement, as is shown by the fact that in 1872 a Canadian Bill which imposed differential duties, was first heard of by the Colonial Office through the press. This led the Office to write to the Governor-General to see that Bills were sent with less delay in future.¹ As a minute observed —

*unless an Act is of unusual importance we are kept in the dark until certified copies are sent home in Bound Volumes which is generally some months after the session has closed.*²

This rule did not imply undue interference in internal matters but it enabled the Office to see which way legislation was tending and also to see if legislation unwittingly or deliberately received the assent of the Governor when it should have been reserved.

The list of topics which put a Bill under the necessity of being reserved, according to the Instructions, was a long one. The Bills affected were Bills for divorce, Bills granting land or money or other donation to the Governor General³, Bills making paper or other currency legal tender except the coin of the Realm or other gold or silver coin, Bills imposing differential duties, Bills the provisions of which were inconsistent with obligations imposed on Great Britain by treaty, Bills interfering with the discipline or control of British forces in the Dominion by land and sea, Bills affecting prerogative or the rights and property of subjects not residing in the Dominion, or the trade and shipping of the United Kingdom or dependencies prejudicially, Bills containing provisions to which assent had already been refused or which had been disallowed.

¹ CO 42/708 9574

² CO 42/708 9574

³ The Colonial Office refused Dufferin permission to receive a cheque for £1,000 from the Canadian Curklers. CO 42/741 1096

It was nevertheless also laid down in the Instructions that in urgent matters the Governor General might assent to Bills which should normally be reserved and he then had to send reasons for his assent at his earliest opportunity to the Colonial Office.

Canada provides an example of an interesting consequence to the failure of a Governor-General, probably through carelessness, to reserve a Bill imposing differential duties. In 1872 the Canadian Government, in retaliation on the United States, which had imposed duties on tea and coffee imported from Canada, imposed similar duties on articles when imported from the United States. Just before he left, Lisgar assented to the Bill. His Ministers must have been fully aware, when they presented the Bill for signature, that he was in duty bound to reserve it, and, as law officers, they should not have asked him to sign any Bill which was on the reserved list, or unconstitutional or illegal, unless it was accompanied by an avowal of such repugnancy, together with a statement of the grounds on which they thought he nevertheless ought to assent to the Bill.¹

When the Colonial Office knew of the facts (through the press), and stated its objections, Lisgar had already retired and was beyond the range of reproof. Though the Colonial Office was strongly opposed to the Act, it did not wish to risk disallowance. Cartier, a prominent member of the Government, was in London at the time and was consulted. He suggested coming to an understanding with Canada. An Order-in-Council was necessary for putting the tariff into operation and Cartier's suggestion was that it should not be issued until the consent of the Colonial Office had been obtained, which would amount to a polite form of disallowance. Kimberley feared that if the Act were put into operation the Australian colonies would insist on having the same power because, at this very time, they were trying to get the right to impose differential duties.

Cartier's suggestion, however, did not work, as perhaps he knew it would not. It was not practicable to withhold the Order-in-Council since merchants were already acting on the Act. There was nothing for it, then, but to give the Australian colonies the right for which they clamoured, by the Australian Customs Duties Act, 1873.²

¹ C.O. 42/708 9574

² P. Knaplund, *Gladstone*, pp. 118-121.

In Knaplund's words, the effect on the colonies was that it brought them closer to fiscal independence in tariff matters, and therefore nearer a national status¹. The change was bound to come sooner or later but was hastened through a departing Governor-General forgetting, or not noting, his instructions to reserve a Bill which, if reserved, would have stood a slender chance, just then, of receiving the Imperial assent.

During Dufferin's administration, the Colonial Office decided to issue permanent letters patent in future, instead of as formerly, issuing temporary ones for each Governor General. The Office asked the various self governing colonies to express an opinion on draft Instructions on the model of those then customary. Blake, as Minister of Justice, eagerly took this opportunity to express strong disapproval of the Instructions. As an enthusiast for greater colonial independence, he disliked the Instructions as inconsistent with full responsible government. Higinbotham, Chief Justice of Victoria, expressed similar views, and among other modifications in the new Instructions issued in 1878 for Canada, was the complete omission of the list of reserved subjects, though discretionary reservation remained. The Canadian Cabinet therefore no longer had to give the guarantee that Bills presented for signature were not subject to reservation.

The change merely brought the Instructions up to date and the Governor General, in retaining his discretion to reserve, could still act on the instructions of the Colonial Office. A Bill was reserved in 1886² and after that some Canadian Acts failed to be put into operation because they stated that they should not become law until promulgated by the Governor General, and the consent of the Colonial Office was not received. These all affected copyright, merchant shipping, or other matters of obviously imperial significance. What happened was not only that the Office left more to the good sense and good imperial citizenship of the colonists but that it exercised pressure, if at all, more discreetly. The Governor-General continued to perform his function of liaison officer, but, like his employer, used his influence tactfully.

Up to 1890 fifteen Bills had been reserved in Canada, only one of which, that affecting the Governor General's salary,

¹ Knaplund, *op. cit.*, p. 121.

² A. B. Keith, *Responsible Government* (1912 ed.), p. 1010.

failed to receive assent.¹ No subsequent Bill has had the same fate

The Colonial Office thus showed great reluctance to refuse assent to a reserved Bill and equally to disallow one which had received the assent of the Governor General. In fact, only one such Act has been disallowed namely, the Oaths Act of 1872. This was passed in connection with the Canadian Pacific Railway Scandal, in order to enable a committee of the House of Commons to take evidence on oath. The Canadian Parliament, according to the British North America Act, had the rights and privileges only of the British House of Commons and, at this date, neither the House, nor committees of it, had a right to take evidence on oath. In 1868 the Canadian Senate had passed a Bill giving itself that power and, although it was *ultra vires* it had never been disallowed.

When the Prime Minister, Macdonald, presented the Oaths Bill to the Governor General for signature, he explained the situation and expressed his doubts on the legality of the Bill. He cannot be altogether exonerated from the suspicion that he acted thus in the hopes of having the Bill disallowed, although, be it said, Alpheus Todd, who was considered a trustworthy authority, believed that the Bill was *intra vires*. Macdonald advised Dufferin to sign the Bill and send it straight to England for the verdict of the Imperial authorities. Dufferin agreed and, in a secret despatch to Kimberley, expressed the hope that his action would be approved, since, to reserve the Bill when feeling was at such fever heat in Parliament, would, in his opinion have been very unwise.² The Colonial Office approved of Dufferin's attitude and the Bill was disallowed. The evidence proves that the motives for disallowance were no wise political, as was widely suggested in Canada, but that the Bill was judged only from the legal point of view.

The disallowance of provincial legislation has been quite common. Sir John Young as Governor-General, wrote and asked for instructions on whether he should always act on the advice of his Ministers in disallowing provincial legislation.³ He forwarded a letter from Macdonald in which the Prime Minister

¹ A. Todd, *Parliamentary Govt in the Br Colonies* p. 158.

² CO 42/717 116a.

³ CO 42/675 41th April, 1869.

pointed out that there was no mention in the British North America Act about taking Her Majesty's pleasure on provincial legislation and that he therefore presumed that the power of disallowance would be exercised on Cabinet advice only. He pointed out, further, that under the Governor's Instructions to reserve certain Dominion Bills, nothing was said about provincial Bills.

Granville, in a despatch which professed to express the views of His Majesty's Government, replied —

If the Governor General were advised by his Ministry to disallow any Provincial Act as illegal or unconstitutional it would in general be his duty to follow that advice whether or not he concurred in that opinion. If he were advised by his Ministry to sanction any Act which appeared to him illegal it would be his duty to withhold his sanction and refer the question to the Secretary of State for instructions.¹

Blake as Minister of Justice in Mackenzie's administration opposed this interpretation by the Colonial Office, and in this had the support of most of the Opposition. Blake sent a memorandum embodying his views to the Colonial Office. He had introduced a resolution on the subject into the House of Commons and Dufferin used his influence to persuade Mackenzie to get Blake to withdraw it, as suitable only for correspondence between the Government and the Colonial Secretary, and not for public debate. Blake consented only after Dufferin himself had seen him about it.² Kimberley replied that, unless the Governor-General retained the right of acting independently of his Cabinet, it would leave provincial legislation at the mercy of the whims of the Dominion Cabinet and would therefore do outrage to provincial rights.³

In a minute Herbert noted that if the provinces did not object it was not for the Colonial Office to rush to their rescue. He suggested postponing further discussion until Dufferin reached England on his holiday. Then followed a note saying that he had seen Dufferin, who was keen on disallowance being on the same footing as pardon then was, that is, that he should hear the advice of his Ministers and then act on his own responsibility.⁴ Dufferin

¹ CO 42/675 8th May, 1869. Yet the Lord President of the Privy Council agreed with Macdonald's view. Keith *Responsible Government* (1912 ed.) p. 726.

² G D 6/28 Dufferin to Camarvon 5th March, 1875.

³ C.O. 42/735 3288.

⁴ C.O. 42/736 4460.

wrote out these views for the Office in a confidential minute. In it he spoke of the necessity for the Governor-General to be supported by the Colonial Secretary if he was to have power as against his Ministers. Blake's attitude was that if the Governor-General refused to take the advice of the Cabinet on this, as on other matters, they would be entitled to resign. Dufferin thought differently. He wrote —

It will often happen that Colonial Ministers will give wrong advice, and if they do so the Governor has it always in his power either to require them to abandon their views or else to dismiss them from his Council. . . . Even if the worst came to the worst there would be no deadlock, for, in the last resort, on the one hand the Governor could appeal to the country against his Ministers, and on the other the authorities at home could always recall their representative and replace him by some other official whose opinions would be more in accordance with the sentiments of the country.¹

He said that this applied to disallowance of provincial legislation just as much as it applied to cases of pardon. He again stressed the necessity of Colonial Office support of the Governor, adding that the Imperial Government could scarcely abandon a Governor who had exercised the prerogative of the Crown in a wise and laudable manner.²

This could be extremely dangerous doctrine, and, if pushed to its logical conclusion, was inconsistent with the status of the Governor under responsible government. Carnarvon apparently felt that this was so but he was not prepared to concede the point of view expressed by Blake. In a secret despatch he attempted to find a *via media* and said that he assumed that Ministers would not feel called upon to resign if the Governor General refused to take their advice, seeing that Parliament could not hold them responsible for his act.³

At the end of 1875 Blake sent another memorandum on the need for the Governor General to act only on advice,⁴ to which Carnarvon replied that, if the British North America Act had meant the power of disallowance to be exercised on advice, it would have used the words "Governor-General-in-Council" when referring to disallowance but it clearly said only "Governor-General" in Section 90.⁵ Blake replied that this term had been used for convenience only.⁶ Interestingly enough, the Colonial

¹ C.O. 42/736 4460

² Can. Sess. Pap. no. 89 of 1877

Office knew that its position was very weak, as a minute of the Office admitted that legally Blake's view was the right one.¹ Blake, too, had reminded them that their interest in the rights of the provinces did not impress him as sincere. He said that there was greater security that Canada would respect the rights of the provinces than that Her Majesty's Government would protect Canadian interests.² Carnarvon tried to get out of the argument by affirming that if the Governor-General acted in opposition to his Ministers he would not be acting *according to* their advice but would still be acting *under it*.³ To which Blake made the reply that it was profitless to pursue the correspondence any further.⁴

The Colonial Office, having half-heartedly asserted the right of interference in provincial legislation, never directly practised it. On several occasions it has been suggested to the Dominion Government—and the suggestion has been acted upon—to disallow provincial legislation inconsistent with imperial policy. Many British Columbian Acts imposing disabilities on Asiatics have suffered this fate, and another for contravening the Anglo-Japanese Treaty, while Ontario Acts, forbidding English Chartered Accountants to bear their title in that province, have also been disallowed. In each case the Imperial request has come as a politely expressed reminder rather than as a fiat communicated through its tool, the Governor-General. Mutual consideration, not coercion, won the day.

The more warmly-defended right of the Governor himself to exercise discretion went through the same phase of evolution as his other powers, but there is no example of a Governor insisting on an act of disallowance in the teeth of his Ministers. The question is discussed in a later chapter.⁵

Before the new Instructions were issued, too, the Governor-General had a very real discretion in the prerogative of mercy. According to them, if a death sentence was passed, the judge at the trial must submit a written report to the Governor-General which must be considered at the first meeting of the Privy Council. After receiving their advice, the Governor must make the decision on his "own deliberate judgment." If he decided against the advice of the Privy Council he must give his reasons at length

¹ C.O. 42/742 4662

² See *post*, p. 161

³ C.O. 42/744 12010

in their minutes Dufferin, as we have seen, believed that this prerogative was desirable. Young, before him, shared his view. The reason was that there was a fear that, if the Ministers had the last word in such matters, it would be easy to bring political pressure to bear on them to affect their decision. Kimberley approved of the arrangement and spoke of the "concurrent responsibility" of the Governor and the Cabinet, that is, that both the Crown could punish a Governor for an improper decision and Parliament could punish the Ministers.¹ But the Colonial Office did not wish to extend its control, and therefore its responsibility, to actual right of appeal to the Colonial Secretary. This was soon made clear.

In 1870 the first Red River Rebellion took place. This area had previously been under the Hudson Bay Company, which had sold out to the Dominion, largely through the instrumentality of Granville.² When the French half-breeds, called Metis, saw the surveyors at work, they became fearful that they would be robbed of their land, and under Louis Riel, who had been educated by the priests, rose in rebellion and established a provisional government. A force was despatched to the Red River but there was no fighting.

The Cabinet, deciding that it would be wise to try to win over the rebels, sent Archbishop Taché, of Quebec, to promise a general amnesty for offences committed up to the time of his departure. He was to use his influence to induce them to accept the new conditions peaceably. Unfortunately, shortly before his arrival, Riel, with the assistance of Lepine and some others, had Thomas Scott, an Orangeman of Ontario, put to death under revolting circumstances. Tache knew that this offence was not covered by the amnesty, but he acted as if he thought it was, and proclaimed it in that form. The people of Quebec, partly because the rebels were French half-breeds, and partly because the honour of their priest was involved, agitated for the pardon of Riel and Lepine, while the British Canadians pressed for their punishment. In the words of Skelton —

For nearly twenty years the Riel question in its various phases bedevilled Canadian politics and set race against race and province against province.*

¹ A. B. Keith *Responsible Government* (1912 ed.) pp. 1073-4.

² E. Fitzmaurice *Life of the Second Earl of Granville* p. 25.

³ *The Day of Sir Wilfrid Laurier*, p. 38.

In this highly critical question the Canadian Minister of Justice Sir George Cartier, appealed through Young to the Colonial Office to assume responsibility for issuing an amnesty, thereby showing that there was considerable willingness to look to the imperial authorities for help. In this instance he was fully justified because at the time of the rebellion the area in which it occurred had not yet been taken over by the Canadian Government and the granting of an amnesty was thus not strictly within its powers. Kimberley in a confidential despatch informed Young that Her Majesty's Government could assume responsibility only if distinctly requested to do so by the whole Canadian Cabinet.¹ When this condition was complied with, the Imperial Government expressed a willingness to grant an amnesty for all acts except the murder of Scott. Because of Tache and the French Canadians, the Canadian Government let the matter rest there for the time. The Colonial Office was anxious that the Canadians should understand, moreover, that the request was granted under unusual circumstances and, in another confidential despatch, Kimberley made it clear that when the authority of the Dominion was established in the new territories, responsibility for all internal matters must rest with the colonial Government and that interference by the Imperial Government would be unjustifiable.²

The situation was further complicated in 1871 when the Fenians were making one of their periodic threats of attack against Canada, on this occasion in Manitoba. The Lieutenant Governor appealed to the Métis for help. Riel and Lepine who had been living in the United States—Riel was teaching there and was being paid out of secret funds by Macdonald to keep out of Canada³—helped to raise forces and were officially thanked by the Lieutenant Governor. This led to further agitation for the pardon of such "benefactors" of their country.

In 1873 Riel was elected to the House of Commons as a member for Provencher, Manitoba. He was expelled from the House by the vote of the English members, after being proclaimed an outlaw, and was then re-elected.

Dufferin in a lengthy private letter to Carnarvon⁴ and in a

¹ C.O. 45/157 11th August 1870

² C.O. 42/688 30th August 1870

³ G.D. 6/27 Dufferin to Carnarvon 12th October 1874

⁴ G.D. 6/27 12th October 1874

despatch,¹ explained the situation. Riel had by then disappeared but Lepine stood his trial, and, by a mixed jury of Europeans and half-castes, had been sentenced to death. Although Dufferin felt that the murder of Scott was unforgivable, yet, in view of Lepine's subsequent services in Manitoba, and the thanks he had received from the Lieutenant-Governor, as well as the strong French opinion in his favour, it seemed that Lepine's sentence ought to be commuted. Carnarvon's reply was to the effect that he was too far away to make a just decision but that Dufferin should himself decide whether the sentence should be carried out or modified, and advised him to relieve his Ministers of the obligation of tendering advice. He added that, although technically the decision must be the Governor-General's, he was prepared to give what advice he could, and agreed with Dufferin that the sentence should be commuted if he thought best.²

Petitions were meanwhile pouring in from French Canadians for Lepine's pardon, innumerable newspaper articles were written about it and feeling was running very high. Mackenzie was in a difficult position, as he had expressed himself publicly very strongly against Riel and Lepine. If he assumed responsibility for the commutation, the English would be annoyed with him, and, if he allowed Lepine to hang, he would lose his French followers.

In a private letter Dufferin told Carnarvon that he was afraid that his Ministers would be accused of trying to shelter behind him if he assumed responsibility for the commutation, and he therefore suggested that he would cable Carnarvon that, in accordance with his Instructions, he was going to assume responsibility, and that Carnarvon should reply that Her Majesty's Government had full confidence in his judgment, which would make it appear that he was acting in the Queen's name.³

This was accordingly done and Dufferin, on his own responsibility, and not on Cabinet advice, as was made clear in the announcement, commuted Lepine's sentence into one of two years' imprisonment, and permanent forfeiture of political rights.⁴

Almost immediately afterwards, Parliament decided to issue an amnesty to the Red River rebels and further to commute

¹ CO 42/730 14334

² CO 42/735 1247

³ G.D. 6/27 18th November, 1874

Lepine's sentence. The difficulty was that Riel had never been tried, and could not therefore have his sentence commuted, although, in the opinion of Blake, the Minister of Justice, the outlawry to which he had been subject was equivalent to a conviction. The House therefore proposed to give full amnesty to all but Riel and Lepine, who were to be banished for five years.¹ Dufferin was keen that this should be accompanied by permanent loss of political rights but when Mackenzie said his ministry could not stand the strain of debating this, Dufferin gave in.² He wrote to Carnarvon explaining the situation and the Colonial Secretary consented to the arrangement, while expressing strong dislike at the idea of banishment which could lead to difficulties if a foreign country refused to admit the rebels.³

Over this question the Colonial Office acted reasonably and restricted its effective interference to support of a Governor-General, on whose shoulders the Dominion Government was only too glad to place the responsibility. Strictly speaking, he did not act in accordance with the Instructions in giving the impression that he had acted without advice, and not *contrary* to given advice. But his action bore the stamp of approval of the Colonial Office which had in this connection laid down the rule —

*the Governor General does not possess the power of granting a general amnesty before trial (but) if a Governor is authorized by Her Majesty's Government to proclaim a pardon to certain political offenders or rebels, he can do so.*⁴

Although the Governor-General's intervention had been so convenient to the Government, Blake tried to induce the Colonial Office, when issuing new Instructions, to rule that the prerogative of mercy should always be exercised only on ministerial advice, even when imperial issues were involved. He held that such imperial interests were more apparent than real, and recommended that they should be left to be disposed of, when they arose, by mutual adjustment. He wrote —

in the vast majority of exceptional cases the exception would be found to be technical not real, the substantial interests involved being solely Canadian

¹ C.O. 42/736 5356

² G.D. 6/28 Dufferin to Carnarvon 26th March 1875

³ C.O. 42/735 2389

⁴ C.O. 42/718 24th July 1873

The truth is that Imperial interests are under our present system of government to be secured in matters of Canadian executive policy not by any such clause in a Governor's instructions but by mutual good feeling.¹

Blake held that if a Governor General refused to take the advice of a Cabinet over pardon, the Cabinet were entitled to resign, in view of Canada's status which made her more than a colony or a province. He further objected to the clause which made it necessary for the judge to send the Governor-General a report, as one was also sent to the Minister of Justice. He exposed the sham of the talk of the "Royal prerogative" of pardon, seeing that in England the Queen's prerogative was really in the hands of the Home Secretary.² To the argument, that pressure might be brought to bear upon the Ministers, and that, therefore, to secure the ends of justice, the Governor General should have the ultimate authority, he answered that it might apply to some colonies, but was certainly not applicable to Canada. The Colonial Office met him part of the way by limiting the independent action of the Governor General to those issues only in which imperial interests were involved.³ Judges' reports were no longer sent to the Governor.⁴

These matters made it clear that neither was the Colonial Office keen to control purely internal matters nor, in the long run, were the Canadians prepared, even if it relieved them of awkward situations, to remain in a status in which an imperial officer, the Governor General, rather than their own Cabinet, was to have the last word in capital cases. That this was not just due to Blake's advanced thought was clearly shown by the newspaper comments after Duffern commuted the sentence.⁵

It was for the best that the change came about in the Instructions and it was more in keeping with the other claims of the Canadian Government that it should shoulder its own responsibilities. It

¹ Can Sess Pap No 13 of 1877

² As late as 1906 the Canadian Minister of Justice refused to give reasons for exercising clemency. His excuse was that the Royal prerogative should not be canvassed. Can H C Debates 14th June 1906

³ The Governor continued to receive the report of the Cabinet on capital cases but always took their advice.

⁴ In 1869 the Colonial Office had laid down that Lieutenant Governors could not pardon even purely provincial offences, which only the Governor-General could do (C.O 43/156 24/2/1869). In 1905 the decision was upset by the Privy Council in the case *The Maritime Bank of Canada v The Receiver-General of New Brunswick*.

⁵ See post p 215

was well that when there was another rebellion in 1885 under Louis Riel and he was captured, sentenced to death and hanged, that the Government, in spite of the clamours of the French Canadians, should have stood firm on its own authority

At the first Colonial Conference, in 1887, a New Zealand delegate proposed the extension of the Canadian system to the other colonies but did not carry his point, partly through lack of support from the other delegates, except the Canadian

Yet a weak Canadian Government much later, regressed from its independent position. A certain Irishman F V C Shortis, in 1895 committed murder,¹ and the Cabinet, which was very weak and divided upon itself,² could not decide whether to commute the sentence, on the ground of mental instability, or allow him to be hanged. The Judge's confidential report was in favour of commutation and Aberdeen, the Governor General, agreed with him. With the consent of the Cabinet, he appealed to the Colonial Office for advice and was told to act according to his own judgment. Aberdeen thereupon commuted the sentence to one of life imprisonment. Both Governor-General and Cabinet were criticized for this in press and in Parliament, and indeed it is difficult to find justification for a Cabinet whose members could not make up their minds and expected the Governor and the Colonial Office to relieve them of an unpleasant responsibility when no imperial issue was involved and which would alone have excused his independent action under the new Instructions. It was inconsistent to expect a Governor to have no mind of his own most of the time but occasionally to exercise real authority when it suited the Cabinet, while the Colonial Office was to serve only as a scapegoat.

There is one example of a refusal by the Colonial Office to act at the request of the Canadian Government in accordance with section 26 of the British North America Act, which provided that the Queen might, on the recommendation of the Governor-General, add three or six Senators to the usual number.³ In 1874 the Liberals, who were in power, were having trouble with the Senate. They had thrown out an important Railway Bill,⁴ and the Government decided that they would produce a more

¹ Can. H.C. Debates 29 and 30 9/1896

² See *post* p. 167

³ In 1915 the number was increased to four or eight

⁴ See *post* p. 99

amenable spirit in the House which previously had been described by Dufferin as "an absurdly effete body" which had given no sign of life since he had been in the country,¹ and had then shown a tendency "often since manifest, of coming to life at the most awkward moments." They requested the Colonial Office, through the Governor-General, to comply with section 26.² This was refused. Carnarvon held that it could only be acceded to when

a difference had arisen between the two Houses of so serious and permanent a character that the Government could not be carried on without Her (Majesty's) interference, and when it could be shown that the limited creation of Senators allowed by the Act would apply an adequate remedy.³

There is little doubt that with the growth of the importance of Canada, this would not subsequently have been so glibly refused, if at all. A Governor-General would have automatically submitted the request with his recommendation and the Office would, almost certainly, have complied.

Beyond this negative form of control, at no time since 1867 did the Office indulge in any but the slightest actual interference in the internal affairs of the Dominion, under the terms of the British North America Act, or the Instructions, the latter of which the Office itself decided to amend and invited suggestions. It made far larger claims than it ever attempted to exercise. Such interference, in these matters, too, as the Governor-General was responsible for on his own discretion, were at the request of the Canadian Cabinet.

But neither Governor nor Colonial Office was so restrained in problems and issues not specifically provided for by the Act or the Instructions. The questions of reservation, disallowance, pardon, and the addition of Senators all involved the Colonial Office as well as the Governor-General. A good deal of trouble was caused by another section of the British North America Act, section 59, which gave the power of dismissing a Lieutenant-General to the Governor-General in Council, on a resolution of both Houses of Parliament for cause assigned. There can be little doubt, I maintain, that the fathers of the constitution implied, by the wording, that the power should be in the hands of the Cabinet actually, and only formally in those of the Governor-

¹ G.D. 6/27 Dufferin to Carnarvon, 10th October, 1874.

² C.O. 42/721 552A.

³ C.O. 42/727 1632.

General, and that the Colonial Office was to have nothing to do with it at all. Yet Macdonald, who had played a large part in framing the constitution, permitted an appeal to be made to the Colonial Office on this issue. The circumstances were as follows.

Letellier, the Lieutenant-Governor of Quebec, had been a member of Mackenzie's Liberal administration before being appointed to his new position. He came into conflict with the Conservative Provincial Government because they kept him ill-informed concerning their policy and actually published regulations in the Gazette without his knowledge. On these grounds he went to the drastic extent of dismissing the de Boucherville ministry, which possessed a large majority in both Houses, and sent for M. Joly, who was granted a dissolution and was successfully returned at the ensuing election. In the Dominion House of Commons, Macdonald, then leader of the Opposition, introduced a resolution calling upon the Governor-General to dismiss Letellier, but the voting was on strictly party lines and the motion was defeated. A similar motion was carried in the Senate. Soon afterwards Macdonald returned to power and, although he would gladly have let the matter drop, seeing that the previous resolution had been defeated, and that the electorate had supported Letellier, his supporters from Quebec insisted. A resolution, couched in almost identical language to the previous one, was introduced by one of his followers and passed on a party vote. To quote Skelton —

First the question had been whether the Lieutenant Governor was to be guided by provincial ministers or by the federal government which appointed him. Now the problem was whether the Governor General should be guided by his advisers in Canada, or by the British Government which had appointed him.¹

The Lieutenant-Governor did not represent the Governor-General alone, but also the Dominion Government. In spite of this, and of the terms of section 59, Lorne, the Governor General, was very loath to dismiss Letellier, as he felt he could not do it with a clear conscience. It seemed like a violation of the rights of the province of Quebec and, further, no cause was assigned, except the Lieutenant-Governor's usefulness was over. If Lorne had been wise he would, after argument, and possibly a request for time to consider the matter, have yielded, because the will of

¹ O. D. Skelton, *The Days of Sir Wilfrid Laurier*, pp. 65-6.

his Cabinet, and not his conscience, except in cases of gross illegality, should have been his guide. Instead, on 29th March, 1879, he told Macdonald that he could not agree.¹ Macdonald, for his part, should have presented the Governor-General with the alternative of accepting the advice or the resignation of his Cabinet. Instead, on 2nd April, he recommended referring the matter to Her Majesty's Government, to which Lorne agreed.² Macdonald sent two representatives to England to state his case to the Colonial Office. Joly also went to England.

This act of Macdonald's is capable of two interpretations. We may call it unwise, and deliberately calculated to bring the disapproval of the Colonial Office to bear upon the Governor-General, or we may take up Pope's ever-sympathetic attitude to Macdonald and say with him —

The reference to England should not have been made and Macdonald's acquiescence therein was due, in part, to his consideration for the youth and inexperience of the Governor-General, whose official career would in all probability have been brought to an untimely close, had he persisted in declining to act on the advice of ministers supported by a majority of two-thirds in a Parliament fresh from the people.³

Lorne informed the Colonial Office that the application had been suggested by Macdonald as a means of giving time for excitement to cool, but Macdonald's reason scarcely sounds convincing when coming from a veteran statesman, such as he was, and with his knowledge of the bitterness of party warfare in Canada.

The Prime Minister's attempt to shift the blame on to Lorne's shoulders was only partially successful,⁴ and the Colonial Office, for its part, refused point blank to assume responsibility. The Colonial Secretary clearly had not much confidence in Lorne's ability and even cabled him to put off his proposed visit to Montreal and remain in Ottawa until the announcement of the decision on the Letellier question.⁵ But Hicks Beach would not permit the blame to be shifted on to him or interfere with the wishes of the Canadian Cabinet in purely internal matters. He cabled to Lorne that he had not expected that the matter would be referred home and that he regretted it.⁶ Subsequently the

¹ C. 2445, pp. 148-9.

² *Ibid.*

³ *Correspondence*, pp. 250-1.

⁴ See post p. 164.

⁵ C.O. 42/756. 26th April, 1879.

⁶ C.O. 42/756. Personal and Private of 7th April, 1879.

question was referred back to Lorne with the suggestion that the Cabinet reconsider its advice before again offering it to Lorne.¹ Letellier was accordingly dismissed. Evatt says, I believe unjustly, that it was the coincidence of a Conservative Government holding power in both Great Britain and the Dominion which proved fatal to the Governor-General.² There is nothing to show that the decision was not made on the principle of leaving the self-governing Dominions to settle their own local problems, or that Hicks Beach was really interested in the pros and cons of the matter.

The question of honours was a very different one because they were of imperial significance. The Governor-General could not grant them and if the power had been bestowed on him the honours would not have been valid outside the Dominion. At first they were decided upon by the Colonial Secretary, but he welcomed recommendations from the Governor-General, which he did not necessarily act upon. Monck, for example, the first Governor-General of the Dominion, suggested what the rules for precedence should be there and his advice was acted upon by the Office, and submitted for the Queen's assent. The writ was passed under the Sign Manual, countersigned by the Colonial Secretary, and returned to Canada.³

Monck's suggestions were also acted upon at the time of federation, to celebrate which he recommended Macdonald for a knighthood, and a number of others, including Cartier and Galt, for C.B.s. They had all played a part in the formation of the new constitution, but Monck considered that the Prime Minister ought to receive a higher order than the others. This was a tactless act in a race-ridden country, as it was regarded as evidence of preference for the British Canadian, Macdonald, over the French Cartier. In those days it was not considered at all necessary for a Governor to consult his Prime Minister, or the persons recommended for honours, beforehand. An actual suggestion from a colonial Premier would have been regarded as bordering on the sacrilegious. The Colonial Secretary conveniently clothed himself in the Royal prerogative.

When the announcement of the honours was made in Canada,

¹ C 2445, p. 171.

² *The King and his Dominion Governors*, p. 245.

³ C.O. 42/667 1109.

both Cartier, the leader of the French Canadians in Quebec, and Galt, the leader of the British Canadians there, refused to accept them, on the ground that they were an insufficient acknowledgment of their services. Monck was utterly surprised. Galt wrote to his wife —

It is an ungracious and most unusual thing to refuse an honor publicly conferred, but if Lord Monck is an ass, I cannot help it.¹

Although Macdonald had not been privy to the arrangement, both Cartier and Galt suspected that he had been, and their relationship was never the same again.

There followed a long drawn-out correspondence between the parties affected and considerable indignation was caused when Buckingham, the Colonial Secretary, with complete lack of imagination, if not with deliberate intent, proposed to have the names struck off the roll which, of course, implied disgraceful conduct. This caused so much stir that a Select Committee of the House of Commons discussed the matter and their report was critical of the Colonial Office and favourable to Cartier and Galt.²

The Canadian House of Commons sent an address requesting to know whether adequate honours would be conferred on Cartier and Galt. To this Monck refused to answer, on the ground that it was a matter of purely imperial concern.³ The address was forwarded to the Colonial Office, which replied —

It would hardly answer to submit to the dictation of a Canadian Parliament the marks of favour which are the rewards of British Servants of the highest rank and in every part of the Empire.⁴

Over this question Monck behaved in the approved gubernatorial style. To his Ministers and Parliament he showed a stern face and spoke of "purely Imperial concerns" but at the same time he wrote to the Colonial Secretary urging strongly that something should be done. He said that Cartier was feeling so offended that it was difficult to work with him and that an acceptable honour would make him more amenable to Monck's successor. He suggested making Cartier a Queen's Privy

¹ O. D. Skelton *Life and Times of Sir A. T. Galt*, p. 420.

² *Ibid.*

³ J. Pope *Memoirs* p. 256.

⁴ C. O. 42/668 3023.

Councillor but this was turned down as being unprecedented¹ Nevertheless, his efforts resulted in the offer of a baronetcy to Cartier, on condition that Macdonald did not object² and in the following year Galt was suitably honoured with a GCMG This latter honour showed very clearly how separatist the Colonial Office was in 1870 because it was bestowed after Galt had written and made plain to the Imperial Government that he believed in the ultimate separation of Canada from Great Britain³

Lisgar, Monck's successor, profited by Monck's unpleasant experience and when he wished to confer honours in connection with Prince Edward Island joining the Dominion he consulted Macdonald first and he, in turn, communicated with the men affected⁴ Although the recommendations did not come in the first instance from Macdonald, at least his concurrence had been sought

Macdonald was a believer in titles, wisely bestowed,⁵ but among the Liberals an opposition to them was growing up Mackenzie and Blake both refused titles, and Laurier, after reluctantly accepting a knighthood, later refused a peerage, the announcement of which Minto was just in time to prevent In 1910, in 1913, 1914, 1918, and 1919, the question of honours was discussed in the Canadian Parliament and strong disapproval of all titles, and especially of hereditary ones, was expressed, and there was strong popular support for these suggestions

Why did titles come to be so distrusted? Undoubtedly the fault lay chiefly with the Colonial Office which continued to confer titles without adequate knowledge Dufferin objected to some names suggested for titles in 1878 as unsuitable and his advice was taken⁶ Mackenzie had also objected to a suggested honour in the previous year but he was not as successful as Dufferin He wrote to say that Canada was not an ordinary colony with her population of four millions and that English officials did not know enough about Canadian affairs to make the awards fairly⁷ Carnarvon's reply was a polite but firm disagreement

¹ CO 42/668 3023

² J Pope *Memoirs* p 256

³ O D Skelton *op cit*, pp 451-2

⁴ J Pope *Correspondence* p 257

⁵ *Ibid.* p 260

⁶ CO 42/753 3886

⁷ G D 6/31 Mackenzie to Dufferin 28th May, 1877

Reference in such cases (he wrote) means concurrence, and concurrence ascertained must mean the initiative to be taken by the Canadian Prime Minister ¹

He expressed a fear of the Queen's prerogative being used as a party reward (how virtuous one can be when other people's interests are affected¹) and said that there would then be no reliable way of honouring distinguished scientists and public servants. He intimated that a population of four million had nothing to do with the case, and that a right given to Canada would also be claimed by Australia ²

Dufferin took up the cudgels on behalf of Mackenzie and wrote to Carnarvon that Mackenzie had only meant to claim a right of prior consultation over awards to his followers, because the public believed that the Prime Minister was privy to all such arrangements. An unsuitable honour might give an ugly shake to the organization of his party ³

Nevertheless, the system remained unaltered and in 1902 Laurier, who was then Prime Minister, suggested that titles should only be conferred on the advice of the Dominion Government. Chamberlain agreed as far as rewards for Canadian services were concerned, but held that if claims rested on Imperial service, the Governor General should nominate, after submitting the names to the Dominion Government ⁴. Later, in Opposition, Laurier agreed with the doctrine laid down by Chamberlain ⁵

As the Dominion increased in status, the independent recommendation of the Governor General probably counted for less and less and, on the other hand, a recommendation of his, supported by his Prime Minister, was probably generally acceded to. Honours were not given to political opponents of the Government without its consent ⁶. But, although the Governor's influence diminished, the Colonial Secretary still continued to give honours without prior consultation and a batch of these occurring in 1917 was responsible for popular disapproval of titles in general.⁶ On a few rare occasions honours have been conferred by the Imperial Government itself, and not by the Colonial Secretary, on persons resident in Canada, for services in Great Britain

¹ G D 6/31 Carnarvon to Dufferin, 28th August, 1877

² G D 6/31 9th October 1877

³ A. B. Keith, *War Government* p. 60

⁴ Can. H.C. Debates, 5th February, 1914

⁵ C. Tupper *Recollections* p. 12.

⁶ A. B. Keith, *op cit* p. 281

Only three peerages have been conferred on Canadians and all were living in Great Britain.¹

The Colonial Office in the question of honours therefore at first placed reliance on its own suggestions and those of the Governor and later came to give a certain amount of attention to the recommendations of the Canadian Prime Minister instead but continued to follow its own ideas as well. After Borden as Prime Minister protested in 1918 and after the 1919 resolution of the Canadian House of Commons to the Crown against the further grant of hereditary titles and the extinction of the existing ones on their holders' death and asking that no further titles be conferred on Canadians except appellations of a professional or vocational character,² the latter part of the request was complied with and the Colonial Secretary ceased to recommend titles as did the Dominion Government.³

While Carrivon was Colonial Secretary there occurred perhaps the most interesting example of the interference of the Colonial Secretary and of the Governor General on his behalf in the history of Canada.

In 1870 the Dominion Government promised British Columbia by the terms of union that work on the railway connecting Atlantic and Pacific would be begun within two years and completed within ten. This was under Macdonald's premiership and the Liberals especially Blake had expressed the strongest opposition to it as impracticable unless taxes were considerably raised which was so unpopular that Macdonald promised that taxes would not be increased. After British Columbia had joined the Dominion he asserted that the ten years were not meant literally!

When in 1873 no construction had taken place British Columbia began to agitate especially after the defeat of the Conservatives in view of the expressed opposition of the Liberals at the time of union. The British Columbians decided to appeal to the Colonial Office. Actually whether the Government was keen or not it would have been impossible to complete such a great engineering feat in the specified time. Surveys alone even if pushed forward at greatest speed and plans of construction would and did

¹ A. B. Keith *Imperial Union* p. 60.

² A. B. Keith *War Government* p. 287.

³ See post p. 187.

take years 1873 also saw the beginning of a great depression and the Government was hard put to find funds for ordinary administration

Carnarvon, who became Colonial Secretary in 1874, was strongly opposed to separation He wrote to Dufferin —

If only you can hold things together in Canada and consolidate the *Dominion* we shall have a reasonable chance of preserving it from absorption in its large neighbour ¹

Both in South Africa and Canada he showed how keen he was on federation within the colonies, where possible, into larger units It was his misfortune that his achievements in these matters fell short of his ideals

J A Maxwell, in an able, but strongly hostile article to Carnarvon,² says that when the British Columbians, under their Premier, Mr Walkem, decided to appeal to Carnarvon, he offered to arbitrate between them and the Dominion Government before receiving the petition and without asking the opinion of the latter This is, by a study of the relevant documents, proved to be unjust to the Colonial Secretary He cabled to the Governor-General to ask whether the Dominion Government wished to be represented by a Minister when the British Columbian appeal was presented,³ and he did not offer to arbitrate until some weeks after the petition had been received and acknowledged ⁴

Being wise after the event, we are able to condemn this interference of his, but it is well to remember that the Dominion itself had more than once appealed to the Imperial authorities when it was in a tight place, and that Carnarvon, instead of jumping at the opportunity to interfere, only made the offer with considerable reluctance He said in a private letter to Dufferin —

Personally I have little liking for the work which must be difficult and will please neither party but I believe it is my duty to make the offer ⁵

He said that unless both parties gladly accepted his offer, and would receive his decision without demur, he would not be prepared to act ⁶

¹ G D 6/26 8th April 1874

² *Can Hist Review* 1931, pp 364 seq I owe all my quotations from Mackenzie's letter books to this source

³ C O 42/728 6594

⁴ C O 42/728 9415 and 9663

⁵ G D 6/26 17th June, 1874

Mackenzie has been said by some to have been delighted at the offer and by others to have resented the interference. The fact that he cabled to Carnarvon that there were no grievances to submit for arbitration is the first of a series of facts pointing unmistakably to the latter interpretation. That was certainly how Carnarvon took the cable. He wrote privately to Dufferin that Mackenzie's reply had been

of the curtest description and indicated a disposition to treat the whole question as one of insignificant character.¹

He added that he would not repeat the offer and that the request would now have to come from Canada.²

This is where Dufferin comes into the story. He had nothing to do with the offer of arbitration, and had been out of Ottawa when the cable had arrived. But he took up the suggestion with enthusiasm, eventually prevailed upon Mackenzie to agree to it and long after Carnarvon had lost interest and would rather have withdrawn, Dufferin kept on making fresh efforts at getting the question settled under the Colonial Secretary's auspices.

On receiving Carnarvon's letter of complaint at being snubbed by Mackenzie, Dufferin wrote to the Colonial Secretary that he had been unable to induce Mackenzie to change his mind but that if he, Dufferin, had been in Ottawa when the cable came, the reply would have been couched in very different terms. He added —

The poor man never dreamt of adopting a disrespectful tone.³

He said that Mackenzie feared that the intervention of the Colonial Secretary would give premature importance to a misunderstanding which he hoped his own Government would be able to dispose of.⁴

Walkem went to England to see Carnarvon and on his way through Ottawa had an interview with Mackenzie which led nowhere. Dufferin evidently used this as an argument with Mackenzie that he should, after all, ask Carnarvon to arbitrate, for we have a letter of Dufferin's to Carnarvon in which he says that in view of Walkem's visit, Mackenzie was going to write to ask Carnarvon to use his good offices towards effecting a settlement.

¹ G D 6/26 25th June 1874

² G D 6/26 9th July 1874

of the dispute, should it assume a more formidable character than he originally anticipated. The letter goes on —

He accompanies this intimation by a very proper expression of his appreciation at your kindness and solicitude in undertaking a troublesome and obnoxious duty, for the purpose of helping himself and his Government out of a difficulty.¹

Carnarvon would have been wiser if he had remained on his high horse but, on receipt of this very flattering interpretation of his intentions, he suggested a solution which afterwards came to be known as the 'Carnarvon Terms'. They stipulated that the Railway should be completed by the end of 1890 and that two million dollars should be spent annually on construction. A line was to be built between Esquimalt and Nanaimo.² This was agreed to by both Governments, in the case of the Dominion Government with an expression of considerable reluctance. They only consented to do so

rather than forgo an immediate settlement of so irritating a question.³

This was scarcely the spirit postulated by Carnarvon, and Dufferin wrote to him to explain just how unwilling the Government was —

I am having a terribly hard fight with my Government. They are most unwilling to make further concessions—more especially as their supporters in Parliament have blamed them for the terms already offered as being too liberal, however. I am in hopes to get them to give way in respect of the principal points suggested.⁴

Dufferin was not merely trying to curry favour with the Colonial Secretary. He sincerely tried to do justice to the point of view of his Government. He wrote to Carnarvon that he believed that the Government was acting in good faith towards British Columbia and that the inherent difficulties of the task, and not any remissness on their part, had occasioned the delay.⁵

Why had the railway between Esquimalt and Nanaimo been specially mentioned in the Carnarvon Terms? Vancouver Island had agitated for it, since the building of it would greatly benefit the island, but it was not certain whether the Canadian Pacific Railway would take this or another route to the coast. To pacify the people of Vancouver and as compensation for the delay

¹ G D 6/26 17th July, 1874

² C.O. 42/728 9653

³ C.O. 42/730 14895

⁴ G D 6/27 11th September, 1874

⁵ G D 6/27 17th September, 1874

which had taken place, Mackenzie had promised to build this railway between Esquimalt and Nanaimo. Blake was so strongly opposed to it that he left the Government.

The Bill enabling the railway to be built passed the Canadian House of Commons, but was thrown out by the Senate. Both Opposition press and British Columbia at once assumed that Mackenzie had connived at, nay engineered, the defeat of the Bill, seeing that some Liberal Senators had voted against it. The introduction and defeat of the Bill weakened Mackenzie's already none too firm hold over his Cabinet. Blake was the chief cause for anxiety and Mackenzie realized that he would be a more comfortable colleague inside than outside the Cabinet. He therefore induced him to re-enter on condition that the Government should negotiate with British Columbia to pay a cash subsidy, instead of building the Esquimalt-Nanaimo railway. Taxation was not, however, to be increased—rather conflicting terms.

An Order in Council of 20th September, 1875,¹ embodied this agreement and stated that a cash bonus of \$750 000 would be given to British Columbia. Dufferin distrusted this Order in Council as it was impossible to tell by its phrasing whether compensation was being paid for past delays only or also for future ones. Mackenzie assured him that the former was the true interpretation but Dufferin soon discovered that Blake had meant it the other way.

British Columbia objected to the new arrangement as an infraction of the Carnarvon Terms and again appealed to Carnarvon, who again expressed willingness to arbitrate.² But Mackenzie had promised Blake that he would carry out the new arrangement even if the Colonial Secretary objected.³ He therefore wrote a strong letter to Carnarvon, which Dufferin insisted on having toned down,⁴ expressing his dislike of Carnarvon acting as judge.⁵ It is strange that the Colonial Secretary did not withdraw at this stage. I believe that he stayed in less because he derived a certain amount of pleasure out of it—although he may not have realized that himself—than because he felt an honour

¹ B.C. Sess. Pap. 1876, pp. 565-7.

² C.O. 42/741 2392.

³ *Can. Hist. Review* 1931 p. 380.

⁴ G.D. 6/29 Dufferin to Carnarvon 3th April 1876.

⁵ B.C. Sess. Pap., 1877 pp. 378-380.

bound to carry on once he was so deeply involved. Dufferin suggested to him that he was willing to go to British Columbia to see if he could help in arriving at a settlement.¹ Carnarvon jumped at the offer and Mackenzie, too, seems to have welcomed the idea.

Dufferin, before going, made himself familiar with the minutest details of the whole business and being a skillful diplomat and a most astute flatterer, he helped enormously to soothe the people of British Columbia, but he returned to Ottawa with such a strong bias towards the province that his relations with his Ministers became most painful. Before he reached British Columbia he had tried to induce Carnarvon to write another despatch which would aid him in the settlement of the dispute² but Carnarvon, in a despatch, marked "Secret—Private—Most Confidential," replied —

There seems some risk that any announcement of probable modification of my award may be attributed to Blake's influence. Blake himself has suggested this.³

Next, Dufferin telegraphed to Mackenzie for permission to announce a meeting of two representatives of each Government in London, under Carnarvon's auspices, but Mackenzie refused to consent⁴ and Dufferin then wrote a letter to him suggesting the same plan,⁵ with the same result. His report to Carnarvon covered seventy-six pages and dealt with every aspect of the question.⁶

The Colonial Office expressed considerable satisfaction over Dufferin's visit⁷ and they did not feel that he was doing it just to oblige Carnarvon. As one of the permanent staff, Mr. Malcolm, wrote, Dufferin had worked heart and soul to promote the interest of the Dominion.⁸

The Dominion Government, very naturally, failed to appreciate Dufferin in quite the same way. His interference and attempts at coercion, with which we deal fully in a subsequent chapter, must have made them see him in quite a different light. Mackenzie at all events, made no further attempts to settle the dispute and both he and Blake were adamant in their refusal to consent to a

¹ G.D. 6/29 Dufferin to Carnarvon, 6th April, 1876.

² C.O. 42/743 10576. Blake was in England at the time.

³ *Can. Hist. Review*, 1931, p. 383.

⁴ Mackenzie's letter books, no. 1, pp. 718-19.

⁵ G.D. 6/30. Feb. October, 1876.

⁶ C.O. 42 744 12425.

conference under Carnarvon's auspices. Dufferin told Carnarvon that he half suspected that Blake's obstinacy was due to his desire to force the Imperial Government to act, so that he could then put the blame on them. Dufferin also reported that he had seen Trutch, the former Lieutenant-Governor of British Columbia, and had done his best to persuade him to use his influence there to induce people to wait quietly and take no violent steps.¹

At last, in December, 1876, two and a half years after Carnarvon had first offered to arbitrate, Dufferin was able to report that Mackenzie had agreed to the conference in London, with certain reservations. Dufferin had told Mackenzie that Carnarvon in helping him would be throwing a rope's end to a drowning man.² Mackenzie's letter to Dufferin on the same subject shows how different was his view on the matter.³

Before he received this letter, Carnarvon had become worried about the repeated quarrels with his Cabinet over the question, as constantly reported by Dufferin, and his letter to the Governor-General is yet another example of the contempt felt by the Office for colonial politicians. At the same time it shows how careful Carnarvon, like others in his position, was to avoid anything like a rupture or open misunderstanding with them. He admonished —

Do not make your own position with your ministers personally disagreeable to yourself. They will take a good deal of cudgelling and are I doubt not much the better for it. (but) It is essential that if possible a break with them should be avoided at present at all events.

The letter also thanked Dufferin for the "unselfish and gallant" way he had fought for Carnarvon's personal credit.⁴ Dufferin's chief, at any rate, realized that the Governor-General was working in the interests of the Colonial Secretary as well as of the Dominion.

On 28th December the Dominion Government agreed on what the reservations should be to their consent to holding a conference. If they should fail to float the railway they would consent to the conference.⁵ Plainly this meant agreement to the conference only as a last resort. The Government probably hoped

¹ G D 6/30 23rd November 1876

² G D 6/30 14th December 1876

³ Mackenzie's letter books no 1 pp 823-5

⁴ G D 6/30 13th December, 1876

⁵ C O 42/744 28th December 1876

that it would not be necessary to call on Carnarvon and yet by this means they were able to quieten Dufferin. Carnarvon, by this time, had grown really weary of the whole question and wrote privately to Dufferin on two occasions to ask him what the real disposition of the Cabinet was.¹ In a cable and a letter Dufferin reassured him that all the troubles had been "put to sleep" by Carnarvon's despatch in which the Colonial Secretary had agreed to superintend the conference.² It never took place. Carnarvon resigned in 1878. An Act in 1881 sanctioned the building of the Canadian Pacific Railway and six years later the line reached Vancouver. It does not need a penetrating intellect to perceive that, whatever the motives of Carnarvon and Dufferin, their interference was ill advised and actually harmful to their authority.

One other isolated example of attempted interference may be given before proceeding with a study of Chamberlain's methods. The civil force in Canada was very inadequate and Dufferin never tired of trying to induce his Government to establish a force on the model of the Irish constabulary. Soon after Hicks Beach became Colonial Secretary in 1878, he wrote to Dufferin suggesting that the civil force should be reorganized and asked what steps the Government was taking.³ In reply the Canadian Government stated that the civil authority was controlled not by the Dominion Government but by the various provinces, in accordance with the terms of the British North America Act, and that the Government was not prepared to make any changes which would, apart from other considerations, involve a greater outlay than they were able to afford.⁴ Thereafter the Colonial Secretary was a little more prudent.

Chamberlain's manifold attempts to gain greater control over the colonies is best exemplified over his attitude on the question of contingents to serve overseas. Elsewhere we deal with the question of the withdrawal of British garrisons.⁵ Dufferin persuaded the Canadian Government to get a Major General from Britain in charge of the Canadian militia. The salary they offered was so small that the amount had to be increased before they

¹ G D 6/31 7th and 22nd March 1877

² G D 6/31 22nd March 1877

³ C O 42/754 28th August, 1878

⁴ C O 42/754 13454

⁵ See *post* pp 119-125

could secure a suitable man.¹ Dufferin had tried in vain to persuade the Colonial Office that the Imperial Government should contribute part of his salary.²

The Canadian force was small and the Canadian Government, still harbouring resentment against Britain for withdrawing her troops, had no desire to send their men to Britain's aid. This was made clear in 1885 during Lansdowne's administration, when Britain was having trouble in the Sudan. New South Wales offered to raise and equip a regiment but in Canada although many private individuals volunteered Macdonald would offer to do no more than raise a force to be put at Britain's disposal and be maintained at her expense. A letter of his to Tupper displays an interesting mixture of motives: Canadian isolationism plus distrust of the English Liberal party. He wrote —

The Suez Canal is nothing to us. Our men and money would therefore be sacrificed to get Gladstone and Co. out of the hole they have plunged themselves into by their own imbecility.

The spasmodic efforts of our Militia Colonels anxious for excitement and notoriety have roused unreasonable expectations in England and are so far unfortunate.³

In this the average Canadian agreed. His attitude was expressed by the *Toronto Daily Mail* when it said that England had enough men of her own for the emergency and did not need Canada's help.⁴ After all even in the Crimean War Canada had offered no help.

Eventually only a group of *voyageurs* were accepted for service on the Nile Rapids though Melgund, the Governor General's Military Secretary who was Lord Minto later was himself Governor General offered to go on service with a force that might be raised.⁵

Lansdowne felt that Canada ought to take a larger share in Imperial Defence but kept his views in the background and tried to have an indirect influence on the Canadian Government which would have the effect he desired. When the 1885 North West Rebellion under Louis Riel was put down by a Canadian force

¹ G D 6/26 Dufferin to Carnarvon 26th March 1874 and G D 6/28 same to same 2nd April 1875.

² G D 6/26 Carnarvon to Dufferin 22nd August 1874.

³ J. Pope *Correspondence* p. 338.

⁴ 20th February 1885.

⁵ C O 42/780 3349.

under Melgund, Lansdowne wrote confidentially to the Colonial Office, urging strongly that medals at Imperial expense should be awarded to the men who had helped to put down the rebellion, as he believed that it would have 'excellent effects' in Canada. His advice was taken after the Colonial Office had suggested, and had been politely argued against by the Governor-General, that the Dominion Government should bear the expense.¹ Lansdowne gave this advice because he believed that

The campaign has been the means of stimulating greatly the military spirit of the country.²

It was at this time that the brothers Colomb, and Selborne and Brodrick were stressing the necessity for stronger imperial defence, which they thought should be one of the chief tasks of an Empire which had duly been federated and had one centralized foreign policy. The Colombs were among the founders of the Imperial Federation League and J. C. R. Colomb, in his book, *The Defence of Great and Greater Britain*, which was published in 1880, stated as an axiom —

As the communications of the Empire are the common property of all its component parts each portion according to the use it makes of them, has a direct interest in the defence and should contribute to that object.³

This teaching was important because, while Canada's attitude remained consistently that they could not be expected to pay the costs of wars, or give their men for them, if they had no voice in the policy which decided the issues of peace and war, Chamberlain was an enthusiastic believer in Imperial Defence. Although the Canadians had made their attitude clear at the first Colonial Conference, Chamberlain, who had become Colonial Secretary in 1895, urged it again at the 1897 Conference and suggested that, in exchange for closer union, the colonies would be given some share in shaping the foreign policy of the Empire. He soon realized that the Canadians were not to be won over and decided to attempt their conversion by means of Lord Minto, whom he chose as Governor General.

Then the possibility of war in South Africa loomed large and the War Office raised the question of whether, under Canada's Militia Act, Britain could call upon members of the Canadian

¹ C.O. 47/781 12762.

² *Op. cit.*, p. 98. Italics his.

³ C.O. 42/781 14710.

Militia to serve outside Canada in time of war. According to section 79 of the Act they could be called out for service 'within or without' Canada but it was very doubtful whether this merely implied a campaign against the United States or whether the troops could actually be shipped overseas under the Act. But one thing was clear—it was only if Canada was menaced that the Militia were supposed to fight. In July, 1899, Chamberlain definitely asked whether troops would be offered for war in South Africa, if it came. He said —

Such a proof of the unity of the Empire would have a great moral effect and might go far to secure a pacific settlement. Is such an offer probable? If so, it should be made soon but I do not desire that it should be the result of external pressure or suggestion.¹

Minto thereupon wrote to Laurier urging him to accept a

*principle which would tend not only to strengthen enormously the Empire generally, but would also consolidate the individual strength, credit and security of each of the offspring of the mother country.*²

If this was not external pressure or suggestion, what was it? But it failed to strike a chord in Laurier. It was the defence of Canada which interested him and he replied to that effect.³ He was fully aware that not only French Canadians, with their leanings towards isolationism and pacificism, but also many Englishmen, at home and abroad, felt that England was acting towards the Boer Republics unjustly and it was only after Minto had worried him a great deal that he consented on 31st July to propose a resolution of sympathy with British subjects in the Transvaal. Minto continued to chafe for some more material support. Laurier maintained —

The present case does not seem to be one in which England, if there is a war, ought to ask us, or even expect us, to take a part.⁴

Largely owing to the enthusiasm of Hutton, the Commander in Chief of the Canadian Militia,⁵ the public and the Opposition began to press for more active co-operation with England, especially after other colonies began to offer contingents. Most writers state that the desire on the part of the public was very

¹ J. Buchan, *Lord Minto* pp. 133-4.

² *Ibid.*, p. 134.

³ O. D. Skelton, *Life of Laurier* vol. II p. 91.

⁴ J. Buchan, *op. cit.*, p. 135.

⁵ See post pp. 174-6.

widespread but Goldwin Smith—for whose anti-imperialist bias allowance must always be made—asserted that the “enthusiasm” was pretty much confined to Toronto and that nine tenths of the French Province was certainly the other way ¹

When the war began in October, Chamberlain sent a circular cable to all the colonies, including Canada, although no contingent had been offered from there, with thanks for help and instructions for equipment. Buchan holds that Chamberlain was not trying to force Canada's hand by this means, as the cable was a circular one, and was sent to the colonies whether offers of troops had been made officially or not. Yet he admits that it put the Government into a quandary, and that they had to choose between sending an official contingent or resigning ²

Minto was in the United States when the cable arrived, and the British press published a precis of it, which, on top of the cable itself, looked remarkably like trying to force the hand of the Government. In the words of Skelton —

Lord Minto resented this charge virtuously because technically no demand had been made, uneasily because beyond question in fact pressure had been put. “I have always carefully explained to you,” he now wrote Sir Wilfrid in a delightful phrase “that any offer from Canada must be spontaneous” ³

Skelton also quotes W. Sandford Evans saying —

English imperialists had been working for years to bring about imperial co-operation in defence: they did not stop working just when they had the chance to accomplish something signal ⁴

He admits, however, that no pressure from Chamberlain or Minto would have had any effect if public opinion in Canada had not met them half way ⁵

On 13th October the Cabinet agreed to send a contingent, at the cost of turning some of the French Canadian supporters of the Government, notably Bourassa, into bitter foes of the Government. The decision was unexpected as the Cabinet had been so divided on the issue that on the previous day Minto had cabled Chamberlain that there was no hope of a Canadian contingent ⁶

According to Lady Minto, her husband regarded this decision

¹ Goldwin Smith, *Correspondence* p. 334

² J. Buchan *op cit* pp. 138-9

³ O. D. Skelton *op cit* p. 100

of the Canadian Cabinet the most momentous ever taken in the history of Canada, as it bound the Dominion more closely to England.¹ But it made neither the Imperial authorities, nor the Governor-General, very popular with the Cabinet. In 1904 the Militia Act was revised so as to state that the Militia was only for the purpose of defending Canada, and could be called out only by the Dominion Government, thus preventing future Imperial Governments from assuming that they had the right to call them out.

Chamberlain was slow in learning the temper of the Canadians and in 1900 suggested the formation of an Imperial Advisory Council, which seems to have amounted to the offer of the occasional privilege to the colonies to express their views on Imperial policy without the power to enforce them, but with the continual obligation to render assistance. He asked Minto to sound Laurier but the Governor-General reported that his Prime Minister was not keen.² Buchan says that Minto himself had not much faith in the scheme.

At the 1902 Colonial Conference the Colonial Secretary again suggested contributions to Imperial Defence and Canada again refused to agree, on the usual grounds. With Chamberlain, therefore, the Governor-General had acted less as a tool than as an enthusiastic but quite intelligent co-operator who was unable to bring him to see the point of view of the colonists, which he himself came to appreciate, as we have already seen.³ Chamberlain was indeed exasperated by Laurier and on one occasion told Lady Minto, in response to her remark that Laurier was a great gentleman, that he would rather do business with a cad who knew his own mind.⁴ History does not record his reaction to Minto's growth of understanding of Laurier's point of view.

It is uncertain to how large an extent subsequent Colonial Secretaries attempted to use the Governors General to get the Dominion to contribute towards Imperial Defence, although that they did so was widely believed in Canada. That in other respects their interference had ceased is exemplified by the fact that when the Duke of Connaught was in disagreement with his Cabinet,⁵

¹ *Myself When Young*, edited by the Countess of Oxford and Asquith, p. 237.

² J. Buchan *op. cit.*, pp. 159 seq.

³ See *ante*, p. 66.

⁴ J. Buchan *op. cit.*, p. 205.

⁵ See *post*, pp. 180 seq.

and when Lord Byng refused a dissolution to his,¹ it was in each case the Prime Minister, secure in the belief that the Office would support him against the Governor, who recommended asking the advice of the Colonial Secretary and in neither case was the reference made.

We may therefore conclude that there have been examples of unmerited interference but that such grew less and less, and was finally limited to the exercise of influence, to keep the Empire strongly bound together. Nor must we forget that, with the coming of Colonial, and after 1911 Imperial, Conferences, it was not necessary for the Colonial Secretary to limit his interference to what he could perform through the Governor-General, since he was in direct contact with the statesmen themselves, and that the High Commissioner also played an important part as a go-between.

It would also be quite wrong to describe the Governor-General as the "tool" of the Colonial Office, as has quite commonly been done. There are numerous examples of Governors doing good, bad, or indifferent things without the knowledge of the Office, as well as of Governors taking the initiative and making important suggestions to the Office which were subsequently acted upon. To the first class belonged a great number of speeches which Governors made and to which objection was taken in Canada or in England, Monck's great efforts to bring about federation in Canada were not dictated by the Colonial Office; Dufferin's offer to go to British Columbia was spontaneous, Lorne's difficulties over the Letellier question and over the *Atalaya*² were of his own making; Connaught's disagreement with his Cabinet over recruiting Americans³ was unconnected with the Office, as was Byng's refusal of a dissolution to his Prime Minister.

Among important suggestions made by Governors and acted upon by the Colonial Office may be classed Lansdowne's suggestion that medals should be given to the Canadian Militia for putting down the North-West Rebellion and Minto's strongly

¹ See *post* pp. 184 *seq.* Strictly speaking, the reference in this case would have been made to the Dominions Secretary but he was the same person as the Colonial Secretary until 1930.

² See *post* pp. 129 *seq.*

³ See *post* pp. 180-1

expressed desire that the Canadian regiments in the Boer War should not be fused with those of England

In short, the Colonial Office did not *invariably* show itself to be the villain of the piece, assisted by the Governor-General, an accomplice at once servile to his employers and malicious to those over whom he was set

CHAPTER III

THE GOVERNOR-GENERAL AND THE IMPERIAL CABINET

The Governor General experience shows that he felt it to be at least as important a part of his duties to impress Dominion views on British ministers as British views on Dominion ministers

A. B. KERR *Canadian Historical Review* vol ix, p iii

CHAPTER III

THE GOVERNOR-GENERAL AND THE IMPERIAL CABINET

In appraising the work of the Colonial Office, it must be constantly borne in mind that no man can be understood apart from his own age and his own special environment. Colonial Secretaries cannot be studied *in vacuo*. A Joseph Chamberlain would never be a Colonial Secretary under Peel, nor would Granville or Stanley hold that office under Disraeli or Salisbury.

The Cabinet, in turn, reflected the views of Parliament and the electorate. Popular opinion—and the Court—were, until the seventies, strongly pro German, and failed to see in the unification of Germany, with its expansionist aspirations, or in the nationalism and imperialism which were, like an epidemic, spreading through Europe, a threat to the British Empire. A widespread indifference to the possession of colonies persisted.

From the Manchester School came the leaders of a movement to get rid of the colonies, which were objected to because of the expense of maintaining garrisons in them. Canada was particularly disliked for the additional offence of imposing duties on British goods. In 1865 Cobden wrote —

We are indeed told of the "loyalty" of the Canadians, but this is an ironical term to apply to people who neither pay our taxes, nor obey our laws, nor hold themselves liable to fight our battles: who would repudiate our right to the sovereignty over an acre of their territory, and who claim the right of imposing their own customs duties, even to the exclusion of our manufacturers.¹

Bright said that Canada's tariff policy would, if persisted in, be fatal to its connection with the mother country.²

James Mill and the philosophical radicals, chief among whom were Durham, Elgin, Buller, Wakefield, and Molesworth, were not anxious to get rid of the colonies, nor obsessed with the idea

¹ Quoted by C. A. Bodelsen, *Studies in Mid-Victorian Imperialism*, p. 34.

² *Ibid.*, p. 36.

of their inevitable independence, but like the Manchester School, they resented the cost of maintenance of overseas garrisons.

Parliament, taken by and large, was extremely badly informed about the colonies, and scarcely more than a quorum was present when some of the most important colonial Bills were passed.¹ The people were even worse informed. They

knew, of course, that there was a place called Australia, where convicts were sent and where one could make one's fortune by growing wool, like Abel Magwitch in *Great Expectations*, and a place called New Zealand, where there were always wars with natives, and where even Mr Micawber would become a Justice of the Peace.²

The federation of Canada, however, did awaken some popular interest in England, but did not lessen popular resentment at the cost of maintaining garrisons.

After the Franco-Prussian War popular opinion began to change and it began to be realized that the alternative to colonies remaining in the Empire might be not independence, but incorporation in another Empire. In 1868 the Royal Colonial Society was founded and played a large part in the transformation of opinion. Tennyson satirized the separatists; Gladstone expressed imperialist sentiments at a banquet at Mansion House in 1881, Seeley and Froude became Imperialists, *The Times* began to change its tone and Dilke who, as a follower of Goldwin Smith, had published his book *Greater Britain* in 1870, recommending the separation of Canada from the Empire, twenty years later followed it up with *The Problems of Greater Britain*, in which he spoke of Canada's secession as a *danger*. The advocates of Imperial Federation and Imperial Defence appeared. Kipling flourished.

Popular opinion had by now undergone a complete change and Parliament and the Cabinet followed suit. We thus see in its correct setting how the half-defiant, half-apologetic attitude of Carnarvon, that the colonies should be retained, gave way to the fervid Imperialism of Chamberlain, with its important consequences for the colonies and for the work and standing of the Governor-General.

Separatism and Imperialism were less distinctions of party than of period. It was Disraeli himself, later the Great Jingo, who in 1866 had characterized the self-governing colonies as

¹ C. A. Bodelsen, *op. cit.*, p. 42.

"deadweights"¹ and earlier had made his famous false prophecy —

These wretched colonies will all be independent too in a few years and are a millstone round our necks²

And Disraeli had objected to sending reinforcements to Canada during the American Civil War lest it might offend the Americans and make them suspicious³

In the eighties, as we have seen Gladstone gave Imperialism his blessing in public. The difference in parties as far as policy affecting the self governing colonies was concerned was only one of degree. The Liberals had less faith than the Conservatives in Imperial Federation but both would have liked some system of Imperial Defence, and the Liberals had more faith in the virtues of self government, as the history of South Africa after the Boer War shows. But questions of colonial policy became less and less issues of party politics and both parties came to depend very largely for their influence over Dominion affairs on direct contact with Dominion politicians, on what Laurier described as 'the incessant and unrelenting organization of an imperialist campaign'⁴ which was conducted increasingly by social means, instead of trying to effect their ends chiefly through the Governor-General. So we find their tone changing. In 1881 Kimberley, writing to Granville, called the Newfoundlanders 'stiff necked islanders who, knowing that they have us at their back, act without any sense of responsibility'⁵. Even formal documents were not conspicuously polite to colonists⁶. By 1911 we find Balfour describing Great Britain as 'simply the first among equals, so far as the great self governing parts of the Kingdom are concerned'⁷. Direct and assiduous cultivation of the favour of Dominion politicians paid better than indirect pressure through the Governor General.

The desire in Canada for annexation to the United States or separation from the Empire as an independent state grew weaker. The Canada First Party, which had been founded in 1869 and was

¹ Monypenny and Buckle *Disraeli* vol iv p 476

² *Ibid* vol ii p 385

³ *Ibid* vol iii p 329

⁴ O D Skelton *Life of Laurier* vol ii, pp 299-300

⁵ G D 29/135 8th February 1881

⁶ See post p 162.

⁷ *The Times* 7th February 1911

connected with the names of W. A. Foster, Goldwin Smith, Blake, and Galt, wilted and died. Canada did not desire to be automatically bound by Britain's foreign policy, and contribution to Imperial Defence was unpopular with large sections. No first-rate politician¹ sincerely favoured Imperial Federation but it was not only the French Canadians who thought that they would do better in the Empire than as independent or part of the United States. Canadian politicians and political thinkers had never, like those of the Thirteen Colonies or the West Indies, disputed the right of British Parliament and Cabinet over them, and, as both began to abdicate their functions, save at the request of the Canadian Parliament, so did the pride of forming part of the Empire grow.

What part did the Governor General play in this general issue of attitude to the Empire? Did he help to mellow British Cabinets and strengthen the latent Imperialism in the Dominions? In his dealings with Imperial Cabinets the Governor General was swayed by two considerations, the very human one of trying to please the Cabinet so that he would be remembered when next a good appointment was available, and the sometimes contradictory desire to express faithfully the point of view of the colonists. We have seen how sometimes one motive, and sometimes the other was stronger. Most Governors seem to have tried to give full expression to the colonial point of view and many have taken up the cudgels on its behalf. Although the private despatches and letters of a Governor would not be available to his contemporaries in the Dominion, Dominion politicians would be able to judge by his tone to them, as well as by the attitude of the Imperial Cabinet, to some extent, at least, what interpretation of their attitude the Governor was giving. In a later chapter we deal fully with this but we may now generalize by saying that the Governor's very real mediation helped the colonists to see the Imperial point of view and to realize that their own attitude was not unknown in Great Britain. This must have played a part in making membership of the Empire seem attractive. And though Governors were certainly less effective than Dominion politicians in making the Dominion point of view understood by British Ministers, the very fact that they, as Englishmen looking for promotion, so often saw and expressed the Dominion point of

¹ Tupper and Galt scarcely merit this designation.

view, must have made it clear that the Dominion had a real case and was not merely perverse

Governors took their cue from the British Cabinet and the Colonial Secretary, in particular, in the stand they took over Imperialism—Young, true to the tone of the Imperial authorities, was openly separatist¹, Dufferin, in spite of the advice of Bob Lowe, that he ought to make it his business to get rid of the Dominion,² reflected the change that was coming over British opinion, and wrote to Carnarvon that he had only come to Canada on the understanding that the strengthening of ties with the Mother Country was to be "a principal part of our programme"³. Yet Dufferin said that the desire of some of the younger Canadians for ultimate independence was not harmful as long as it remained a vague aspiration and that it would, indeed, give the self assurance they needed "to measure up with that of the Americans"⁴. In his speeches, too, he never referred to Canada as a dependency but always as a young nation. His example in this respect was followed by later Governors, including the imperialist Minto and Grey.

Lansdowne tried to do justice to the Canadian point of view when the Dominion Government refused to send a contingent to the Sudan in 1885⁵. In a confidential despatch he proved a good prophet of 1914 and 1939. He wrote—

I have no doubt whatever that in the event of a serious emergency threatening the Empire the Dominion Government would be ready to take an active part in the measures necessary for the defence of Imperial interests and in such case an offer would no doubt be made on the initiative of the Canadian Government instead of by private individuals as in the present case⁶.

That this attitude was not caused by indifference is shown by his suggestion to the Colonial Office that the Imperial authorities should award medals to those who had taken part in putting down the North-West Rebellion, as a means of stimulating the military spirit of the country⁷. Lord Newton says that Lansdowne believed that Canada ought to do more with regard to Imperial

¹ See *ante* pp. 48-9

² A. Lyall *The Life of the Marquis of Dufferin and Ava* vol. 1, p. 286

³ G.D. 6/26 25th April 1874

⁴ G.D. 6/26 Dufferin to Carnarvon, 3rd May 1877

⁵ See *ante* p. 103

⁶ C.O. 42/780 4023

⁷ See *ante*, p. 104

Defence but was opposed to attempting external pressure to that end¹. He openly expressed the view that Canada would do better to concentrate her energies on her own internal development than on Imperial Federation².

Minto's co-operation with Chamberlain in inducing the Canadian Government to send contingents to South Africa,³ and also Minto's ultimate appreciation of the Canadian Government's point of view,⁴ have already been discussed. Canada educated Minto but he failed to educate the Colonial Secretary.⁵ He may have been more successful with other members of the Cabinet. He certainly helped to strengthen Imperialism in the Dominion, but also, by repulsion, strengthened French nationalism for a time.

Grey was a Governor much given to speech making. He was an unusual type of Imperialist, wishing to include the United States in a huge English speaking union. A speech at the Toronto Club in 1905, on the importance of the Navy, brought down criticism on him,⁶ though some papers defended him. Unfortunately this was a party issue, as the Conservatives were, in Opposition, urging contribution to the Imperial Navy. In 1906 Grey made another speech, part of which is worth quoting as illustrating his rather maudlin style —

I am aware (he said) that to some the idea is well nigh intolerable that the old mother should be allowed to carry for a single day for Canada a load which Canada may be able to carry for herself.⁷

On several subsequent occasions he made similar speeches but Laurier, the Prime Minister, who had to please both English and French followers, stuck to his position that it was for Canada to develop her own resources and not waste them on unnecessary preparations for war.⁸ In 1909 the Liberals and Conservatives arrived at a compromise and a resolution was unanimously passed by the House of Commons, stating that at the present stage the payment of regular and periodic contributions to the imperial treasury, for naval and military purposes, would not, as far as Canada was concerned, be the most satisfactory solution

¹ Lord Newton *Lord Lansdowne* p. 53

² See *ante* p. 66

³ *Can. Ann. Review* 1905 p. 427

⁴ *Ibid.*, 1906, p. 613

⁵ See *ante*, pp. 104-7

⁶ See *ante* p. 107

⁷ *Ibid.*, 1906 p. 532.

to the problem of defence Canada, instead, would set up a Navy of her own which could co-operate with the Imperial Navy.¹

In the following year Laurier introduced the Canadian Naval Service Bill into the House of Commons.² There was to be voluntary enlistment and the force was to be under the Canadian Government, not the Imperial, but the Governor-General-in-Council might place it at the disposal of the Royal Navy for active service. This led to bitter criticism of Grey in the French press for having used undue pressure on the Canadian Government, at the behest of the Imperial Government, to introduce the Bill.³ And suspicion of the Governor deepened when the Liberals lost the 1911 election and Borden, the new Conservative Prime Minister, went to England with three other Ministers to attend the Committee of Imperial Defence. As a result of this he introduced in 1912 a vote for £7,000,000 for the immediate construction of three battleships, which were to be under the Canadian Government, but were to be maintained and controlled by the Admiralty. The Bill was thrown out by the Liberal Senate.

Grey's successor was the royal Duke of Connaught, who started the new fashion of being a quasi-constitutional monarch. After Grey's rather indiscreet speechifying, and after his and all his predecessors' political opinions being well-understood, came one whose speeches were so correct and platitudinous, and whose conduct was so sternly, and stiffly constitutional, that there was nothing to criticize in him, and the *Canadian Annual Review*, which always devoted a section to the Governor-General, seemed hard put to find something to report and the space allotted diminished remarkably. Succeeding Governors-General followed Connaught's example and any influence which they exercised was done discreetly and without the public becoming aware of it.

Let us now deal more fully with the subject which has already been touched on, the sore subject of Imperial garrisons. It illustrates beautifully the interaction of Imperial Cabinet, Dominion Cabinet, British and Canadian public opinion and the difficult role played by the Governor-General.

Especially after 1848, when affairs on the Continent were so unsettled, England, with her small army, felt the need of every soldier who could be recalled from the colonies. The chief

¹ Can. H.C. Debates, 12th January, 1910.

² *Idem*, 5th December 1912.

³ See *post*, p. 211.

reason for maintaining an army in Canada had been the fear of the United States but after the Oregon Treaty was signed in 1846 this fear declined, though the Mexican War which followed showed that the United States Government was still in an expansionist mood, and made Britain cautious about withdrawal.

In 1852 it was suggested by the Imperial Government, but never put into force, that the Governor General's salary be made a charge on the Imperial Treasury, in exchange for Canada paying part of the upkeep of the garrisons.¹ This was doubtless to satisfy popular opinion which was opposed to colonies chiefly on the issue of garrisons. It is one of the interesting "ifs" of history to speculate how the Governor-Generalship would have been affected by this change. Would it have become unpopular in Great Britain as a result of its cost to the British taxpayer and in the Dominion as a symbol of subservience to the Imperial Cabinet, or would it have seemed natural to Dominion politicians that an Imperial officer should be paid by the Imperial Treasury?

After 1855 local volunteer forces were raised in Canada in a half-hearted sort of way, but British policy was not one of systematic withdrawal and nothing more was done by Canada in the meanwhile. After the Crimean War, troops were again sent to Canada but many were soon withdrawn again to serve in India at the time of the Mutiny. In 1862 the office of Commander of the Forces in British North America was revived, and after the Governor-General, Monck, had stressed the defenceless condition of Canada during the Civil War,² reinforcements were sent and local volunteer forces were again increased.

In 1862 came the famous resolution of the British House of Commons that self-governing colonies ought to pay for their own external defence. In the same year the Canadian Government introduced a Militia Bill which was defeated and led to the fall of the Government. This made Canada enormously unpopular in Great Britain. In this, as in many other matters, it was the Chancellor of the Exchequer, more than the Colonial Secretary, who was responsible for change. It was always notoriously difficult to get money out of the Treasury for colonial purposes and for garrisons it was rapidly becoming impossible. If the Foreign Secretary disagreed with the Chancellor of the Exchequer, it was the latter who won in the long run.

¹ Grey, *Colonial Policy*, p. 258.

² Adderley, *Review*, p. 38.

Eventually, in 1863, *Militia Bills* passed the Canadian Parliament, providing for a small Canadian force, paid for out of Dominion funds, and thereafter the withdrawal of British troops was only a matter of time. When fear of Fenian raids—which, after all, were directed at Canada as a *British* possession—led the Canadian Government to appeal to Great Britain for help, she received fewer forces than she had asked for and the new regiments were quartered at Canadian expense.

Thus, when Canada became a Dominion in 1867, there were still a number of Imperial troops in Canada, paid for by the Imperial authorities (with the exceptions just given) and under notice of imminent withdrawal. There was also a small and fairly efficient Canadian volunteer force. Over the military forces the Governor-General had nominal command¹ but in practice all authority was vested in the Commander of Her Majesty's forces in British North America. The naval forces were under a Commander-in-Chief and the Governor-General was not entitled to give orders, but only "requisitions" even to forces on inland waters, though in times of emergency, of which the Governor-General was to be the judge, he might give orders.²

The Canadian Government was strongly opposed to further withdrawals. As a loyal Imperial officer—and as a better Imperialist than he knew, since withdrawal more than anything else helped to make the colonies popular in Great Britain and the relations between British and Canadian Cabinets more cordial—Monck used all his influence with the Dominion Government, as he had done with others before federation, to induce it to undertake fuller responsibilities for Canada's defence.

In 1867 the Canadian Government passed an Act authorizing the raising of a loan of £1,100,000 for the purpose of defence. It further decided to carry on with the system begun in 1863 of having a Canadian force of volunteers, which could, however, be enlarged by conscription if the number of volunteers was insufficient, a clause not put into operation.

In 1868 the Imperial Government informed the Canadian Government that three battalions would be withdrawn. The protestations of the Dominion Government met with no support from Monck, who wrote a memorandum to the Canadian Privy

¹ Col Regs, chap. 1, pars. 2 and 4.

² CO 42/662 2971. Also Col Regs, chap. 1, pars. 10 and 11.

Council, defending the withdrawal. It was thereupon decided to get into direct touch with the Imperial Government and Cartier and McDougall were sent to England. Before they returned, Disraeli's ministry fell, but not before ordering two further battalions home. The delegates had clearly failed in their purpose.

The Liberals, who had now come into power, were less inclined than their predecessors to expend money on colonial defences. They were still paying four fifths of Canada's military expenditure¹. Carnarvon, the ex-Colonial Secretary, who during his term of office had been responsible for the withdrawal of some of the troops from the Cape, said that the withdrawal of troops from Canada would be dangerous in the extreme² but he, naturally enough, had no effect. Was he acting merely as a good Opposition member? The evidence points to his sincere conviction that the troops should not be withdrawn from Canada, and therefore points to the policy of his Cabinet in office being unwillingly consented to by the Colonial Secretary.

The Canadians, if not reconciled to withdrawal, had had ample warning, and had made some preparation, for which Monck was largely responsible. Stacey sums up the part played by Monck as a go-between of separatist Imperial Governments and Canadian Governments, keener on their rights than on their obligations, thus —

His most constant concern was the development of the native defensive resources of Canada. It was a thankless task, yet at his departure he could reflect with satisfaction that the Dominion which he had helped to found was spending annually on her own defence nearly fifteen times as much as the Governments of British North America were accustomed to devote to that purpose when he began his government.³

After Young had succeeded Monck, Granville wrote confidentially to him advising him to make discreet inquiries to discover whether the Canadian Government was sincere in its desire to have the loan of £1,100,000 raised for defence purposes, or whether the request was just to please the British Government. If the latter, Her Majesty's Government would not proceed with the raising of the loan⁴. Young assured him that the Government was in earnest and in the following year the loan was raised.

¹ C. P. Stacey, *Canada and the British Arm*, p. 203. I am greatly indebted to this excellent book for my facts.

² J. Pope, *Correspondence* p. 126.

³ *Op. cit.*, p. 210.

⁴ C.O. 43/156 10th July, 1869.

Young's opinion was that 6,400 troops of all kinds were sufficient for Canada. He pointed out that the Canadian Government was opposed to withdrawal but, in spite of the opposition of the Queen herself, the withdrawal was proceeded with. Granville replied that four companies of Royal Canadian Rifles were to be disbanded at once, and that soon the whole regiment would suffer the same fate unless Canada undertook the expenses of maintenance. As an encouragement to this end the Imperial Government decided that arms and stores would be supplied to the local forces, where practicable, at cost. The gunboats on inland waters were to be maintained entirely by the Dominion and the crews were immediately withdrawn.

The Canadian Government showed its attitude by refusing to man these boats. In the words of Stacey —

The Imperial determination to throw the cost of the naval defence of the border on Canada had merely resulted in the border being left undefended.¹

Some months later, owing to increased danger of Fenian raids, and under pressure from Young, the Government at last manned the boats.

The Imperial troops were withdrawn from Fort Wellington in Quebec and the Canadian Government, likewise, left it undefended. Windam, the Commander in Chief, and Young both tried to get the Canadians to man the Fort but the Minister of Militia refused to move and Windam gave way by sending a small number of his troops to the Fort. Thereupon, Young, who was annoyed by this shirking of responsibilities by the Canadian Government, confidently advised the Colonial Secretary that the Imperial Government should announce that all troops would finally be withdrawn from the Fort on a certain date and that, either the Canadian Government must take it over, or the Imperial authorities would proceed to dismantle it. Cardwell, who was in charge of reorganizing the British army, without knowing Young's views, recommended the same tactics. The advice was taken and in October, 1869, the 200 Imperial troops were withdrawn and the Fort was taken over by twenty-four Canadians.

In 1870 a despatch laid down the plans for the final withdrawal, to operate in times of peace, and by 1871 all the British troops

¹ *Op cit.*, p. 222.

had been withdrawn, though Halifax remained as an Imperial station, fortified by the Imperial Government. Before the troops had left, Young supported a plea of Macdonald and Tache that the Imperial troops, who had gone to put an end to the Red River Rebellion should remain there during the winter but was flatly refused. Young also had a measure of sympathy with the Canadian Government which objected to suffering vicariously for the British Government and without their aid, at the hands of the Fenians, but, although they appealed in 1871 to the Imperial Government when there was danger of further Fenian Raids, they had no success and had to send their own men to man Fort Garry.

When the Conservatives returned to power in England, no change was made, though in 1877 Dufferin urged that more should be spent on Imperial defences in Canada.¹ Carnarvon knew that his colleagues were adamant but he was concerned about the inadequate fortifications of Canada and wrote to ask Dufferin whether anything could be done to stimulate their development.² Dufferin succeeded in persuading the Canadian Government to get a Major General from Great Britain in charge of the Canadian Militia. The salary they offered was so small that it had to be raised before they could get a suitable man,³ after Dufferin had tried in vain to persuade the Imperial Government, through Carnarvon, that it was advisable that they should contribute part of his salary.⁴

The troubles caused by the Major Generals during Minto's administration are dealt with in a later chapter.⁵ They led in 1904 to a revision of the Militia Act to enable a Canadian to command the forces. Minto wanted Halifax and Esquimalt (which had also been fortified as an Imperial station) to be handed over to Canada and commanded by her.⁶ This eventually happened in 1910, after the British forces had been withdrawn in 1905.

Governors, then, were helpful to the Imperial Government in facilitating the withdrawal of garrisons but their influence on that Government in slowing down the process or in interesting it in Canada's own defences to the extent of contribution, was

¹ G.D. 6/31 9th November 1877 Dufferin to Carnarvon.

² G.D. 6/26 Carnarvon to Dufferin, 8th April, 1874.

³ G.D. 6/26 Dufferin to Carnarvon, 26th March, 1874 also G.D. 6/28 Same to same 2nd April 1875.

⁴ G.D. 6/26 Carnarvon to Dufferin, 23rd August, 1874.

⁵ See post pp 174-7.

⁶ J. Buchan, *Lord Minto* p 155.

entirely negligible. Although not done for reasons of anything but saving expense, the Imperial Government proved wiser than some Governors in insisting on complete withdrawal and, although disliked, withdrawal proved a boon to the colonies. Canada has had no such interference from the Imperial Cabinet as Natal suffered in 1906 through the presence of Imperial troops, nor were they used there as in 1913 on the Rand to break a local strike.

The withdrawal of the garrisons had an interesting result on the choice of the Acting Governor General. In the early days of the Dominion he had always been the senior Military Officer of Her Majesty's forces in Canada. Dufferin had objected to this on the grounds that this officer was in Halifax and wasted time in travelling.¹ Later he expressed the fear that a soldier was not a suitable Acting Governor-General for Canada and that there was a possibility that trouble might be caused by a "headstrong soldier unused to civil life and anxious to make a splash".² At first Dufferin suggested that the Commander in Chief of the Canadian Militia would be a suitable substitute,³ but later proposed the Chief Justice, who, at all events, always acted as his deputy, and whose functions could as such be limited.⁴ Up till then it had always been argued that it was a wrong principle to have a judicial officer acting as head of the executive government.

Dufferin's suggestions were not acted on and he was informed that there was no need for a change.⁵ Lorne's proposal that he should be given the power to choose his own Acting Governor-General, also met with no response.⁶ During Lansdowne's administration Macdonald returned to the suggestion that the Dominion had outgrown the position in which a General commanding at Halifax should act for the Governor, since only a Lieutenant Governor was in command there, at times if his superior officer was absent. He proposed having the Chief Justice instead, or otherwise the senior judge.⁷ This was acted upon in 1905 when the British troops were finally withdrawn,⁸ and the other Dominions have adopted the same practice.

¹ G D 6/26 Dufferin to Carnarvon, 26th November 1874

² G D 6/31 Same to same 22nd November 1877

³ G D 6/31 Carnarvon to Dufferin 17th December 1877

⁴ J Pope *Correspondence* p 283

⁵ *Ibid.* p 281

⁶ *Ibid.* p 282.

In Canada the Governor General has owing to the contiguity of the United States, had a function which has assumed greater importance in that, than in any other, Dominion. He has been closely connected with her foreign policy, as far as her neighbour has been concerned. Canada had no representative of her own at Washington and the British representative there did not always understand the Canadian point of view. Canadians, indeed, from Macdonald¹ and Tupper² downwards, complained that Britain quite ruthlessly sacrificed Canada's interests to ease her own relations with the United States, and did not excuse Great Britain on the grounds that Canada would have obtained far worse terms as an independent state. The dissatisfaction led eventually, in 1924, to Canada having her own representative at Washington. But even since that time the Governor General has not ceased to have an influence, if only of a chiefly social character,³ over the relations between the two neighbours.

Monck stated —

the most anxious and responsible duties which devolve upon a Governor-General—at least they have proved so to me—are those which he is called upon to discharge in conducting what may be called the Foreign relations of the Dominion, and managing the questions which continually arise with other countries, particularly with the United States of America.⁴

His chief work in this direction was in smoothing out the relations between Canada and the United States during the Civil War and, although he once wrote sarcastically to the Secretary of State Seward, practically accusing him of criminal negligence towards Canada over Fenian raids,⁵ he managed so well on the whole that Macdonald paid a very high tribute to him for his diplomatic skill.⁶

The question of fisheries embittered relations between the two countries for over a century. In 1808 a treaty had been signed, allowing American fishermen to fish within three miles of the Canadian shore. Canadians afterwards maintained that this did not give Americans the right to enter bays and inlets, and, after considerable trouble, it was laid down in the 1854 Reciprocity

¹ O. D. Skelton, *Day of Sir Wilfrid Laurier* p. 135.

² J. W. Longley, *Sir Charles Tupper*, pp. 55-6.

³ See post pp. 191-2.

⁴ C.O. 42/669 6023.

⁵ H. L. Keenleyside, *Canada and the United States* p. 151.

⁶ J. Pope, *Memoirs* vol. II, p. 16.

Treaty that Americans had this right but there was still considerable dispute over the definition of bay and inlet"

Young wrote several letters to Sir Edward Thornton the British ambassador at Washington, in 1869 suggesting means and terms for a settlement Thornton subsequently discovered that Young was acting on his own initiative and not on ministerial advice.¹ Yet, after Young had written on his own responsibility,² he was instructed, independently a few days later, by the Imperial Government to put himself in touch with Thornton.³ This shows how truly the Governor General was primarily an Imperial officer in those days Young was further instructed to use his influence with the Canadian Government to be conciliatory towards the United States.⁴ A secret and confidential telegram from Young stated that his Ministers had consented to amend their special instructions under protest The concession was accompanied by a strong remonstrance, as they felt that it endangered their ministerial existence.⁵

It is scarcely surprising, therefore, to find that a memorandum of Kimberley's notes —

*Lord Lisgar*⁶ writes that they (the Canadians) are in a very bad temper with us This can only be about the fisheries as we have no dispute with them on anything else⁷

Later Young warned the Colonial Office not to write to the Canadian Government about relations with the United States until tempers had some time to cool.⁸ This episode referred to arrangements for the Treaty of Washington which was signed in 1871 and eased the situation for a time

In 1886 the fisheries dispute was in full swing again and Canadians seized American vessels which they considered were trespassing Lansdowne was distressed to find that the British Government seemed indifferent, but it was not surprising that, at a time when Governments were so unstable in England, domestic policy there should have seemed to be of the greatest importance In May, 1886, Lansdowne wrote privately to Granville that

¹ O D Skelton *Life and Times of Galt* p. 504

² G D 29/55 4th November 1870

³ G D 29/55 Kimberley to Granville 11th November 1870

⁴ C O 47/687 6951 and 7272

⁵ C O 42/687 7375

⁶ Young had been created Baron Lisgar

⁷ G D 29/55 22nd February 1871

⁸ G D 29/55 Kimberley to Granville 10th September 1871

there would be general indignation throughout the Dominion if the Imperial Govt. was to show itself too pliant in the face of American demands¹

When an exchange of notes between the British and American Governments led to no tangible result, Lansdowne again wrote, this time to Stanhope —

We do not expect you to do police work for us in our bays and harbours, but the presence of one or two gunboats with instructions to watch the three-mile limit would be sufficient. To speak quite frankly, I don't quite like telling my ministers that although I have been pressing for nearly three months, we are still as far as ever from a decision.²

Partly as a result of Lansdowne's plain speaking—here, surely, was a striking example of the welfare of the Dominion coming before thoughts of promotion—and partly owing to the President's desire for conciliation, a new fisheries commission was agreed to in 1887. The treaty they drew up was rejected by the American Senate. Meanwhile, as long as the decision was pending, Lansdowne, who had made himself a master of the facts, considered it his duty to remain in the Dominion and this was one of the reasons which induced him to refuse the offer of the War Office or the Colonial Office in Salisbury's administration in 1887.³

Elgin's success, with the aid of the British ambassador, in bringing about the Reciprocity Treaty between the United States and Canada by skilful handling of American Senators, is a classic. The Treaty then lapsed during the Civil War and all attempts to revive it had proved abortive. Dufferin was opposed to it, as its corollary was discrimination against British goods, but he felt that, as a constitutional ruler, it was not for him to try to force his views on his Ministers.⁴ He wrote to Carnarvon to say that he had been asked by Evarts, the American Secretary of State, to go to the border, and discuss with him the renewal of the treaty, and that Mackenzie, his Prime Minister, wanted him to go. Evarts was a friend of his and the meeting would attract no notice.⁵ Carnarvon, whether his Government disliked the possibility of Reciprocity, or whether they feared to put so much authority into Dufferin's hands, or for some other reason, decided that it would be unnecessary, as Thornton, the British ambassador, was completely in possession of all the facts.⁶

¹ Lord Newton, *Lord Lansdowne* pp 41-2.

² See ante p 61.

³ G.D. 6/31 28th August, 1877.

⁴ *Ibid.*

⁵ See post p 62.

⁶ G.D. 6/31 1st October, 1877.

As time went on, Canada gained more and more control over her own foreign relations and in a later chapter we deal with Minto's work as a go-between of the American and Canadian Governments.¹ What good the Governor-General did henceforth in Canada's relations with the United States, for example, when Grey gave Bryce his support in adjusting outstanding points between Canada and the United States,² was done in his capacity as head of the Canadian Government, rather than as an Imperial officer.

Under the Foreign Enlistment Act, which was one of a series of Imperial Acts, including the Extradition Acts of 1870 and 1873, and the Territorial Waters Jurisdiction Act of 1878, under which the Governor-General, as an Imperial officer, had authority, he could order the arrest of any vessel likely to engage in piratical activities, or to attack the territory of any country with whom Britain was at peace. In 1882 the *Atalaya*, sailing under the American flag, was suspected by the Spanish ambassador at Ottawa of having on board arms and ammunition intended for Cuban insurgents. He informed the Canadian Government, who requested the Governor-General, Lord Lorne, to issue a warrant to the collector of customs at Quebec, under section 24 of the Act, to seize and search the ship.

A dilatory search failed to find any arms (later discovered by divers where the ship had been halted) and the owners of the *Atalaya* instituted proceedings for the release of the vessel and the recovery of the cargo. When these proceedings started, the Governor-General instructed a Mr Angus, Q.C., to act on behalf of the Crown³ and in this, as in further dealings with Angus, corresponded with him through his A.D.C., without reference to his Ministers.

The Court ordered the Government to pay damages with costs. Now it was the Government, and not the Governor-General, who communicated with Angus.

Lorne should have acted on the advice of his Cabinet throughout this business but was piqued because the Government had, at first, acted without consulting him. In a verbose and rather rambling memorandum to the Canadian Privy Council, he protested that they had kept him in ignorance until the warrant for the seizure was submitted to him, and that in the early stages

¹ See *post* pp. 177-8.

² C.O. 42/162 5535.

³ *The Round Table*, vol. vii, p. 331.

he had not been supplied with any relevant facts. He complained, too, that the Government had decided, without informing him, to relinquish the appeal from the judgment of the vice admiralty court after the prosecution had resulted in failure.¹ In an earlier memorandum he had insisted that under the Foreign Enlistment Act all authority attached to him alone.² He forwarded these memoranda to the Colonial Office.

The Canadian Government also prepared a memorandum which was forwarded to the Colonial Office, in which they requested that the Act should be amended so that the Governor General should, in the first instance at least, seek the advice of his Ministers, before taking action under the Act.³ Lorne added his formal approval to this memorandum and expressed the opinion that if the Act was amended so as to place responsibility on the Governor General in Council, he would personally be rid of responsibility, and the Imperial Government could still request the Canadian Government to act. In a private letter, however, he pointed out that if the Governor General and the Dominion Government disagreed, difficulties would arise. He also expressed the fear that the Dominion Government might be too subservient to foreign consuls for reasons of trade. He suggested that, if the Dominion Government wished to deal direct with the Imperial Government, they should pay part of the costs in case of failure, and the foreign Government part. This would prevent them from acting rashly.⁴

The Canadian Government referred the account to the Imperial Government, seeing that proceeding had been taken under an Imperial Act, which, according to section 23 of the Act, they were entitled to do.

The Imperial authorities disapproved of Lorne's attitude and his reluctance to take his Ministers' advice, as well as for his failure to ask Imperial advice before taking proceeding against the *Atalaya*.⁵ Lorne was informed that no amendment of the Act was necessary, it being clear that the Governor General's intervention should properly be exercised through the medium of his ministry, seeing that he had no means of executing the warrants without the assistance of colonial officials. It would be enough if the Governor General was kept informed of the proceedings.

¹ C.O. 42/767. 11006

² C.O. 42/762. 15062.

³ C.O. 42/762. 5535

of the Cabinet who, in this, as in all other matters, should assume responsibility. Only in cases of great urgency was the Governor to act on his own authority and was, immediately afterwards, to inform his Ministers.¹

In a minute Kimberley expressed disapproval of Lorne's idea of making the Canadian Government and the foreign Power share expenses. Although Canada could conclude her own commercial treaties,

she has (he added) no control over her general relations with foreign powers. For them we are responsible. If we give Canada an option as to the enforcement of the law against exportation of contraband she might by neglecting her duties towards foreign powers involve us in a quarrel. If we keep the matter in our hands how can we make Canada responsible for costs incurred by our proceedings?² The fundamental difficulty is this: we are responsible not the colonial Governments, to foreign powers as we manage the policy of the whole Empire.³

A minute of the Foreign Office agreed that it was better that the Imperial Government should sometimes be called on to pay because the Dominion Government was over-zealous than to risk letting a ship go, as had happened with the *Alabama*.⁴

It might have been wise if the Imperial Government had agreed to the request of the Dominion Government and had altered the Act so that no doubt remained that the Ministers were responsible. For the Governor-General to act without consulting them was clearly out of keeping with their status, even though the matter involved was an Imperial one, seeing that he had no staff to carry out his orders. Kimberley himself noted (probably with thoughts of Blake) that the successors of the present Canadian Government might not be so amenable to the Imperial Government.⁵

Lorne gave his opinion that the lawyer's fees were excessive⁶ and when the Imperial Government paid the damages—at first they refused to reimburse the collector of customs at Quebec, who had been put to considerable personal expense to carry out the terms of the Act—the Governor-General, instead of sending the money to the proper ministerial department, allotted the amounts himself. As Meade, who in 1892 succeeded Herbert, minuted—

Lord Lorne continues to carry on this business as if the Dominion Government were not concerned.⁷

¹ C.O. 42/762. 7th October, 1880

² C.O. 42/767 17479

³ C.O. 42/771 2906

⁴ C.O. 42/762 15062.

⁵ C.O. 42/767 13682.

Lorne gave trouble to both Dominion and Imperial Governments over this question but it must be borne in mind that as long as the Governor General was an Imperial officer, and as long as the diplomatic unity of the Empire was insisted on, difficulties were bound to arise.

Lastly, it is well worth noting one important issue in which the Imperial Government refrained from interfering with the Canadian Government through its agent, the Governor General. They did not interfere when Canada introduced Protection in 1858 and extended it in 1859, though the Colonial Secretary, on his own initiative and not at the behest of the Government, wrote disapprovingly about it.¹ We have also seen that when Lisgar failed to reserve a Bill imposing differential duties, the Imperial authorities thought it wisest not to disallow it.² When Protection was extended in 1879 the British Government made no protest. They decided not to ask for favourable terms for themselves—although the Canadian Government would have preferred a system of mutual preferences within the Empire—as they would then appear, in the eyes of the world, as party to the fiscal policy of the Dominion,³ which would be unthinkable in a country where Free Trade had been embraced as a gospel. Direct interference, or even pressure through the Governor General, was not contemplated, and though some Colonial Secretaries delivered themselves of homilies on the evils of Protection, Kimberley remarked that they would not convert the colonists by arguing with them in despatches.⁴

It is difficult to judge how far Chamberlain's new line of interference had the sanction of his Government, but soon after becoming Colonial Secretary he issued a circular to all Governors saying that it was important to secure for British manufactures, whether in England or in the colonies, as large a share as possible in the trade of Great Britain and her colonies, and asked to what extent foreign goods had displaced, or were displacing, British goods.⁵ As far as the Canadian Government was concerned, it could not have been very displeasing to have enunciated by the Colonial Secretary a theory with which they were in agreement,

¹ J. Pope, *Correspondence* p. 6.

² C.O. 42/756, 3359.

³ See *ante* p. 76.

⁴ C.O. 42/762, 13th September 1880.

⁵ J. L. Garvin, *Life of Joseph Chamberlain* vol. II, pp. 23-4.

though at Colonial Conferences it soon became apparent that Chamberlain differed very widely from the colonies on how to achieve this object ¹

The worst that can be said about the Imperial Government, operating through the Governor General, is that it forced Canada to assume the responsibilities of her status, as well as it enabled her to enjoy its privileges, and was occasionally the cause of petty annoyance

¹ See *post* pp 299 300

CHAPTER IV

THE GOVERNOR-GENERAL AND THE COLONIAL CABINET—THE POLITICAL SIDE

I believe that there is more room for the exercise of influence on the part of the Governor under my system than under any that was ever before devised an influence however wholly moral

LORD ELGIN

(T Walrond *Letters and Journals of Lord Elgin* p 126)

The Governorship of a Colony with Constitutional advisers does not admit of much real control over its affairs

LORD DUFFERIN

(G D 6/26 Dufferin to Carnarvon 18th March 1874)

CHAPTER IV

THE GOVERNOR-GENERAL AND THE COLONIAL CABINET—THE POLITICAL SIDE

Gubernatorial impartiality is the very basis of responsible government. The Governor must always give his complete confidence to whatever party has a majority in the Lower House, however distasteful their political opinions or their personalities may be to him, and it must be perfectly clear that he will give exactly the same confidence to their successors. Stanley and Metcalfe understood this basic assumption so clearly that they were strongly opposed to responsible government. Metcalfe above all feared the possibility of a majority party "hostile in its feelings to the mother country"¹ or with "ulterior views inconsistent with her interests"² whose advice the Governor would be bound to take. To them it seemed logical that a "best man Government," drawn from all parties, would be admirable, especially as there were such numbers of these parties, representing local, and often racial, interests, rather than principle, and even differing from province to province under the same name, a state of affairs which was deplored by Thomson³ and Elgin,⁴ among others. But the system failed that made the Governor a hopeless partisan.

Elgin, who improved on the instructions he received from Grey,⁵ gave a full and lucid exposition of the Governor's position under responsible government⁶ and his definition is still something of a classic. Even more important, he acted up to it. Less well known, but equally clearly expressed, is the definition made by Dufferin, after Canada had had responsible government under a variety of Governors. He spoke of

¹ W. P. M. Kennedy *Documents of the Canadian Constitution* pp. 239-240.

² *Ibid.* p. 529.

³ T. Walrond *Letters of Lord Elgin* p. 39.

⁴ S. Leacock *Bathurst: La Famine and Hunks* (1926), p. 298.

⁵ Egerton and Grant, *Canadian Constitutional Development* pp. 311 and 333.

the absolute and paramount duty of maintaining not merely an outward attitude of perfect impartiality towards the various parties . . . but still more of preserving that subtle and inward balance of sympathy, judgment, and opinion

I suppose I am the only person in the Dominion whose faith in the infallibility of Parliament is never shaken. Each of you, gentlemen, only believe in Parliament as long as Parliament votes according to your wishes and convictions. I, gentlemen, believe in Parliament no matter which way it votes

Whether (my legal advisers) are the heads of this party or that must be a matter of indifference to the Governor-General.¹

In short, under responsible government, the Governor was no longer fashionably described as one who had given his conscience to the keeping of demagogues, as he had previously been by those who opposed the system, but became, instead, one who was guided in all matters by his constitutional advisers. These selfsame advisers, too, changed from being the creatures of the transient factions of the Assembly into the leaders of the duly elected representatives of the people

Interference by the Governor was now only supported by the Imperial authorities when he was actually acting in the Imperial interest, and the French came to trust the Governor after Elgin showed that he would not differentiate against them,² although they took a long time to learn that they must also be reconciled when responsible government led to measures to which they strongly objected. At all events, neither they, nor anyone else, thought of blaming the Governor personally, if laws which they disliked were passed, as they knew that the policy was that of the Cabinet, not his

Responsible government seems to us so naturally workable that it is well to remember that it required statesmanship to see its merits a century and less ago. There were many like Metcalfe who feared that, under this system, the Governor would become either a nonentity or "the tool of a party"³ and this was especially feared as far as patronage was concerned, which, it was realized, would be blatantly partial if left to the party in power. To get these objections in their right perspective, we must call to mind that the Monarch's powers were then very real. People believed that in 1834 the King had turned out Melbourne, and the Queen's

¹ G. Stewart, *Canada under the Admin. of the Earl of Dufferin*, pp. 193-5

² Bagot, before him, had also believed in this, but his successor, Metcalfe, went back to the old distrust

³ S. Leacock, *op. cit.*, p. 188

interference in the Bedchamber Question was beyond dispute. That a Governor should be asked to act at the behest of his advisers, who were less experienced than the British Cabinet, and did not even appreciate the full implications of responsible government, seemed like asking too much. To quote Wakefield —

He (the Governor) is not greater than a King, but they are less than a nation.¹

For the successful working of responsible government, a well-developed two party system was necessary, a state of affairs not arrived at in Canada until shortly before federation. The other essential requisite, the consent of the Opposition to Government Acts it disliked, was also slow in coming, as witness the riots caused by the passing of the Rebellion Losses Bill, and the attempt to get the Governor to interfere even considerably later.²

Responsible government is the result of convention, not of law. It is not stated in the British North America Act that the Governor-General must act on the advice of his advisers or that he must choose these advisers from among the majority party. By convention he does both and his contact with Parliament is through the Prime Minister except on the ceremonial occasions of election of the Speaker, the latter's demand for the rights and privileges of the House, and the presentation of appropriation Bills for signature, when the House is represented by the Speaker.

The Governor-General, under the British North America Act, retains a great number of formal powers. Apart from the rights of refusal of assent and reservation, the Act gives him the powers of summoning, dissolving, and proroguing Parliament, all Senators are nominated by him, all members of Parliament must take the oath before him or a deputy appointed by him, similarly all members of the Privy Council must be sworn in, no member of Parliament may give Parliament his reasons for resigning without the consent of the Governor-General, no appropriation Bill may be introduced without a message from him.

For special purposes, such as swearing in members of Parliament, or for short periods, as when a Governor goes on tour, he may appoint a deputy with all or some of his powers, but this

¹ E. M. Wrong, *Charles Buller and Responsible Government* p. 271.

² See post, pp. 147-9.

does not alter his own powers. Such a deputy may only be chosen by the Governor as long as he remains in the country. if he leaves it, an Acting Governor-General must be appointed. When Dufferin went to the United States in 1877, without doing this, Canada was without an executive for ten days.¹

In the early days of responsible government, the Governor-General undoubtedly had more power than subsequently, because he had the advantage of knowing how the British Cabinet system worked better than his advisers did. Elgin claimed that his influence in Canada was greater than it had been in Jamaica² but the Governor's influence was bound to decline as colonial politicians became more sure of themselves and worked out their own conventions. Always the power of the Governor-General depended on the relative forcefulness and experience of himself and his advisers. The weaker the hold of the Prime Minister over his colleagues, the less support the House gave the Government, the more the Governor was likely to interfere effectively.

The first Governor-General of the Dominion, Lord Monck, who had been Governor-General in Canada since 1862, had considerable influence. This was due to sheer ability and to the comparative inexperience of the Prime Minister, John Macdonald, who thought a great deal of him, and regretted his departure.³ With the other members of the Cabinet and with the people he was unpopular. This was partly because he was cold and aloof and lacked the ability to handle men tactfully, and also partly because he gave indiscreet utterance to rather separatist opinions in his early days in Canada, and had a secretary who was strongly separatist.⁴ Unless a Prime Minister had a precarious hold over his Cabinet, however, if he and the Governor-General got on well together the Ministers would adapt themselves to him readily enough. And nobody disputed Macdonald's hold over his colleagues.

Macdonald remained Prime Minister until 1891, except for an interval of four years. He was a firm believer that Canada should remain within the Empire and had done his utmost to have the Canadian constitution modelled as closely as possible on that

¹ G. D. 6/31. Dufferin to Carnarvon 22nd November, 1877.

² Elgin's Ministers even took his advice over the allocation of portfolios. See F. Hincks *Reminiscences*, p. 256.

³ J. Pope, *Memoirs*, p. 368.

of England. He respected the Governor General, as the representative of the Queen, and expressed dislike of only one, Lord Elgin.¹ He cheerfully allowed Monck to have a great influence in the country, because he was still learning himself, and because Monck's aims coincided so largely with his, but, as time went on, he became increasingly loath to let succeeding Governors wield much power. Macdonald loved managing things and people and enjoyed—in both senses of the word—an enormous popularity, and though he neglected the details of his department, to the annoyance of the Colonial Office,² he paid the closest attention to building up his party and his own position in it. All witnesses agree that, though his personal honour was unstained, he would shrink at almost nothing, and feel no sense of self-disapproval, if it would further the cause of his party.

Macdonald was described by Goldwin Smith with whom he was on terms of familiarity, as one who knew what was right, and was not without the wish to do it, though perhaps the parent of the wish was rather to earn golden opinions than a Stoical love of right. But, continued Smith, he could not resist the solicitations of partisans, except perhaps in the case of judicial appointments.³

When Monck chose Macdonald as his first Dominion Prime Minister, a Governor's choice of his Prime Minister was not as limited as it later became, when the choice was really made by the party caucus. In 1862, for example, Monck had sent for John Sandfield Macdonald instead of M. H. Foley, who seemed the more likely candidate. But in 1867 Macdonald was the pretty obvious choice, although, in his own opinion M. Belleau of Quebec, had a fair chance of being sent for.⁴ Before federation it had been the custom to have in effect two Prime Ministers one representing Upper and one Lower Canada. Monck was determined that this fatal division of leadership should not continue. He insisted that there should be only one Prime Minister, appointed by the Governor General and responsible to him for the appointment of other Ministers.⁵ The importance of this needed no amplification but it is doubtful whether the old system would, anyhow, have persisted after 1867 when there were four, and no longer just two, provinces involved, and a fourfold

¹ See *ante* p. 27.

² Goldwin Smith *Correspondence* p. 195.

³ J. Pope *Memoirs* p. 339.

⁴ C.O. 42/720 10700.

⁵ J. Pope *Correspondence* p. 226.

One writer tells us that it was quite common for important decisions to be made without his knowledge.¹ He did protest, though, when some appointments were actually announced in the press before he had signed them and he pointed out that this could never happen in England.²

Very different was Macdonald's experience with Lord Dufferin, Young's successor. He was the most prominent man to assume the office of Governor-General of Canada, so far, and had a good conceit both of himself and his office, and meant to make his influence felt. His most outstanding quality was what those who liked him called tact, those who were tolerantly indifferent called blarney, and those who disliked him called hypocrisy. In Lord Esher's opinion, he was charming and, he supposed, the most popular man in Europe.³ Laurier's view was that his touch of blarney did the Canadians good and helped them through their first hobbledehoy years.⁴ Macdonald's first impression of Dufferin was unfavourable. He wrote about him —

He is rather too gushing for my taste. I can stand a good deal of flattery but he lays it on too thick. Lord Dufferin is laying himself out to be popular, and I have no doubt will succeed unless he overdoes it.⁵

In Pope's opinion, Macdonald regarded Dufferin as a bit of a humbug.⁶ It is interesting to speculate how far this attitude was determined by dislike of a man who was so charming that he was bound to steal some of the popularity which would otherwise fall to the Prime Minister. After the two worthy and dull previous Governors-General, Dufferin's bid for popularity must have come as a shock to Macdonald, who was used to being public attraction number 1.⁷

There was the further fact that there was the similarity between the two men which often leads to dislike. They were both able and they were both flatterers—with a difference. Dufferin flattered out of force of habit, because he enjoyed doing it, and also out of genuine kindness. Macdonald's method of flattery was more subtle than Dufferin's. He would flatter you by remembering your face and name over long periods, and by

¹ G. Stewart *Canada under the Admin. of the Earl of Dufferin* pp. 142-3.

² J. Pope *Correspondence* p. 152.

³ Esher *Journals* vol. 1 pp. 61-2.

⁴ O. D. Skelton *Life of Laurier* vol. II p. 86.

⁵ Letter to Lord Lisgar. J. Pope *Correspondence*, p. 177.

⁶ J. Pope *Day of Sir John Macdonald* p. 116.

treating you with an easy familiarity. This was only partly the expression of a kindly personality. He seems to have been, like Stanley Baldwin, astute in his assumed lack of astuteness, and genial, to a large extent, as a deliberate means of securing adherents to himself.

In spite of Dufferin's flattery, he was not conciliatory. He said that he rather liked a row: it braced his nerves and enlivened the tedium of exile.¹ He soon showed that he cared for more than entertaining and making speeches. Young had remained at his home two or three miles out of Ottawa and his Ministers had to go to him if they wished to see him. Dufferin had an office set aside for himself in the Parliament buildings and wrote to Macdonald that if Ministers desired to see him they need only telegraph him any time between ten and three o'clock and he would come immediately to his office.² There was therefore no excuse to keep him without information and his statement that Ministers must not hesitate to come clearly meant that he wished to know everything of importance that was going on.

Macdonald was also reprimanded for announcing the appointment of a Lieutenant-Governor before Dufferin knew anything about it. Dufferin called it unconstitutional and said that the prerogatives of the Crown, as well as of Parliament, must be maintained. He said pointedly —

Did the Governor-General see occasion to deprecate a particular appointment, the premature publication of the Minister's intentions would put everyone concerned into a false position.³

Dufferin was perfectly correct, of course, in maintaining that he was entitled to be kept completely informed, so as to give him an opportunity to object, even though in the ultimate issue he would have to give in.

Attendance at Council by the Governor-General had never been practised since federation, and indeed long before, except on formal occasions, as an answer to a Colonial Office circular of 1859 showed.⁴ Macdonald is credited with having put an end to the attendance of the Governor at Council.⁵ Dufferin, rather amazingly, wrote to Macdonald that, though he did not wish to

¹ G.D. 6/27. Dufferin to Carnarvon, 8th December 1874.

² J. Pope, *Correspondence* p. 204.

³ *Ib.* 1, p. 205.

⁴ *Can. Hist. Review* 1932, p. 376.

⁵ O. D. Skelton, *Life and Times of Galt* p. 325.

attend as a rule, the right of the Governor-General to preside must not be allowed "to lapse altogether into disuetude"¹ Possibly he thought that, by claiming more powers than he intended to exercise, Macdonald would the more readily allow him the authority which he felt was his due. He failed to get further than to assert his right, and his failure, together with the changed Instructions,² which omitted reference to the Governor's right to attend, makes us view with suspicion the suggestion of the Duke of Argyll that his abstention from sitting with his Council during his period of office, as Lord Lorne, was a gracious act on his part.³

Later, Dufferin's relationship with his Prime Minister, which had begun so inauspiciously, became more cordial. There is an anecdote about them which is well worth quoting because it shows that Macdonald learned to tolerate the flattery, and the pride in his position and attainments, of the Governor-General, and indeed to regard him with a twinkle in the eye, which is half the way to friendship. Dufferin had visited McGill University, where he had been welcomed in a Greek speech, to which he had replied, unexpectedly, in the same language. A newspaper report praised the perfect style and pronunciation of his Greek. A friend of Macdonald, reading the report, remarked to him that he wondered how the reporter had known that Macdonald replied that he had told the reporter

"But you know no Greek," his friend expostulated. "No but I know men," said Macdonald.⁴

Eventually, in 1878, Macdonald, who had been some years in Opposition, but had complete confidence in his return to power in the near future, wrote privately to the Chancellor of the Exchequer suggesting that Dufferin's term of office should be extended, as he was of all men the best fitted for the difficult tasks that the Governor-General would be called upon to perform. He spoke about Dufferin's "own winning way".⁵

It was well that Governor-General and Prime Minister understood each other before the storm broke over the Canadian

¹ J. Pope, *Correspondence*, p. 201.

² See post pp. 244 seq., and ante, pp. 79 seq.

³ *Passages from the Past*, p. 412.

⁴ W. S. Wallace, *Sir John Macdonald*, p. 128, and J. Pope, *Day of John Macdonald*, p. 116.

⁵ J. Pope, *Correspondence*, p. 239.

was to meet to hear the evidence, postponed its meeting as two important witnesses were in England. Dufferin meanwhile adjourned the House until 13th August, when the evidence of the Committee was expected to be complete. It was clearly understood by the Opposition, at the time of adjournment, that the meeting of 13th August was to be *pro forma* and that the House was to be immediately prorogued. The prorogation was delayed until then in order that the Committee would not lapse before, which it would do automatically when the House was prorogued. No objections were made by the Opposition to this arrangement.

Although the press purported to know what Dufferin's views were on the subject, his behaviour was impeccable. His Ministers had assured him, on their word of honour, of their innocence, and his attitude to them remained friendly, because he felt that he could not withdraw his confidence from them before the charge was proved. Indeed he wrote to Macdonald at this time —

*Nothing can be more satisfactory than the way in which your own position and that of your colleagues remains unassailed in the midst of these disreputable proceedings.*¹

He refused to base his judgment on what the press said, because he distrusted it too deeply and knew how glibly it made accusations.²

Dufferin had not intended to prorogue Parliament in person on 13th August, seeing that the meeting was to be purely formal, but, while he was on a tour of the Maritime Provinces, he received a cable announcing that the Oaths Bill had been disallowed. Some newspapers later argued that the Governor General, instead of making the fact public at once, should have allowed the Committee to proceed and finish its work. This was a ridiculous suggestion, first, because it was dishonest, and second, because the Governor General owed a duty as an Imperial officer to make the disallowance known, and third, because somehow or other the information would have leaked out and those who were in the know would realize that they could not be punished for perjury.

With the excitement caused by the disallowance, and the

¹ J. Pope, *Correspondence*, p. 223.

² C.O. 42/719 9680.

Opposition press doing its utmost to persuade the Governor-General to act in their favour, Dufferin decided that he had better return to Ottawa. Immediately he arrived he sent for Macdonald and pointed out that, in view of what had happened, it would not be possible for Parliament to have the usual recess but that it should be recalled soon. Dufferin suggested an interval of six, or at most eight, weeks, but when Macdonald asked for ten, so as to fuse two sessions into one, and thus save unnecessary expense, Dufferin consented on the understanding that if, in the interval, any matter of sufficient importance, of which he was to be the judge, arose, the House should be summoned immediately, without question on the part of the Prime Minister.

Meanwhile the Opposition, which was strongest in the neighbourhood of Ottawa, had decided to do its utmost to prevent the meeting of Parliament on 13th August from being purely formal. They alleged that the reason why Macdonald was proroguing immediately, and for so many weeks, was to prevent the enquiry from proceeding. Since evidence could not be taken on oath, they suggested that it should be taken without. To this the Government replied that evidence taken under those conditions would have no guarantee of trustworthiness. The Committee would *ipso facto* be dissolved at the prorogation and this was another Opposition argument against it. Dufferin agreed with his Government that the House should be prorogued. He wrote to the Colonial Office:—

I could not have treated Parliament as a pregnant woman, and prolonged its existence for the sake of the lesser life attached to it.¹

His position was a difficult one. Constitutionally, he had to act on the advice of his Ministers if they had the confidence of the House. But their advice was not to allow the House to meet, by which he might discover whether the Government still had its confidence. He was doubtless guided by the previous agreement of the Opposition that the meeting should be purely formal, and also by the absence of so many Government supporters.

The Opposition members drew up a petition, asking the Governor-General not to prorogue Parliament. This was presented to Dufferin on 13th August. It was afterwards stated that it was signed by a majority of members but actually there were

thirteen less than half Dufferin felt justified in refusing, first, because the Government members had gone home on the clear understanding that the meeting on the 13th was to be purely formal, and to come back now, over great distances with the poor means of travel then available, would have been unjust to them, as well as taking them away from home interests which needed their attention in the short summer. Second, the Government was still supported by a majority of members and they alone constituted the Governor-General's advisers.

Although he refused the petitioners' request, Dufferin received their address, explained the reasons for his action, and promised that Parliament should be summoned as soon as convenient. He had previously suggested to the Prime Minister that he should become a channel of communication between Government and Opposition so that agreement might be reached, but Macdonald distrusted them too deeply for that, and assured him that, if the House was allowed to meet, the Opposition would use its temporary majority to pass a resolution in favour of the Committee taking unsworn evidence.

The press became very abusive of the Governor-General, as well as of the Government. Dufferin had originally suggested investigation by a Commission of three judges and Macdonald now decided to act on it, the Imperial authorities having assured him that such Commission could legally take evidence on oath. But the Opposition objected and Mackenzie, Blake, Dorrion, and Huntington refused to give evidence before it. The grounds of objection were that it would be contrary to the principles of justice for an accused man, i.e. the Prime Minister, to choose his own judges. Again the Governor-General was urged to interfere. He believed that he would be acting in the best way possible if he ignored the Opposition but was very careful to see that the judges appointed owed their appointment to merit, not to Government leanings. Subsequently even Mackenzie acknowledged that Judge Day, the chief judge, was a man of integrity.¹ Further, the judges did not usurp the functions of Parliament, as was alleged by the Opposition, because they passed no judgment, but, having collected the evidence, left the rest to the House of Commons.

When the evidence was heard it became clear that Macdonald had not accepted money for himself, nor had he given the

contract in exchange for money, but there was ample proof that he had accepted, nay, demanded money from Allan for party funds. Allan had afterwards obtained the contract, and it looked black for Macdonald. It was worse than the British custom of granting peerages in exchange for gifts to political parties.

Dufferin was greatly disturbed as he had not expected this. There is a story which purports to reveal how he lost his head and, forgetting his constitutional duty, called upon Macdonald to resign. From the fatal consequences of his action he was saved by the statesmanlike act of Tupper who, needless to say, is the author of the story, in a book written many years later but which, nevertheless, is solemnly repeated in one book after another, and, as far as I know, has never been refuted. Tupper says that when Dufferin asked Macdonald to resign he went straight to him and told him —

You are to-day Governor-General of Canada and respected by all classes, to-morrow you will be the head of the Liberal party, and will be denounced by the Conservatives for having violated every principle of Constitutional Government. If Her Majesty would to-morrow under take what you have done she might lose her throne.¹

Tupper then advised the Governor General to ask advice of the Colonial Office and, having received its reply, Dufferin roused Macdonald from his bed at two in the morning and told him that he had recalled his request for resignation.

What are the real facts? A letter of Dufferin's to Macdonald said that he had read the evidence of the Commission "with greater pain than ever I did anything."² He added that he was worried that Macdonald might count on his support beyond where he was able to give it, because of his friendliness during the investigations. Beyond this letter there is nothing. It is strange that if Dufferin cabled to the Colonial Office there is no record of that cable, in an Office which carefully preserved and kept copies of all cables; no minute paper on it among people who wrote voluminous minutes on the most trivial subjects, no reference whatever to it, then or subsequently. Further, some phrases used by Dufferin and the Colonial Office are quite inexplicable if Tupper's story is true. How, for instance, does one reconcile it with Dufferin's statement —

¹ C. Tupper *Recollections of Sixty Years*, pp. 156-7

² J. Pope, *Correspondence*, pp. 228-9

It is an infinitely prouder and better thing for Canada that the Dominion should have purged the scandal through the action of her own Parliament, than by the intervention of an Imperial officer.¹

I see no other conclusion but that Tupper was, shall we say? embellishing, when he wrote this story. I believe that what happened was something after this nature. Dufferin believed that he might eventually feel obliged to ask for Macdonald's resignation.² He even suggested to Macdonald that it would be the best for the public honour if he resigned but he did not for a moment ask for the resignation. Macdonald, agitated by all the troubles of the past weeks, and still hoping to be maintained by a majority in the House, felt aggrieved at Dufferin's suggestion and blurted it out to Tupper, in a rather highly-coloured version. Tupper thereupon went to the Governor General and said far less, and in a very much more subdued manner than his own story would suggest to the unwary reader. The Colonial Office was probably never mentioned. At all events, Dufferin had no intention of appealing to it but, seeing that Macdonald had misunderstood him, decided, although it was late at night—but nothing like 2 a.m.—that he would get into touch with him and put his mind at ease. Thus did Tupper, who later quoted Dufferin as a model of a constitutional Governor, not refrain from making accusations against one Governor, as a means of compensating for his loss of self-esteem suffered through the action of another.³

When the House of Commons met to pass its verdict on the Government, Dufferin used all his persuasive powers on Macdonald to induce him to allow Dufferin to listen to the debates from some concealed spot, as he claimed that the newspaper reports were untrustworthy.⁴ Our sympathies are distinctly with Macdonald in his refusal. He said that he doubted if he could meet Dufferin's request without anyone knowing, that if the Opposition came to hear of it they would insult the Crown, and say that it was not supposed to take cognizance of what passed in the House and would quote the Grand Remonstrance.⁵

Dufferin's answer was that of one who realizes that the other

¹ C.O. 42/720 7th November 1873

² G.D. 6/26 Dufferin to Carnarvon, 19th March 1874. Also Queen Victoria's Letters vol. II p. 288 second series

³ See post, pp. 168 seq.

⁴ J. Pope Correspondence pp. 226-7

man has the better of the argument, but protests as he surrenders —

The utmost that I asked for was a closet, no matter how dark and inconvenient not within the House ¹

He had to satisfy himself with a report supplied by Lady Dufferin, who attended the debate. In the Speech from the Throne, the Prime Minister had put the sentence —

The evidence obtained under the Commission has had careful consideration.

Dufferin objected to this and requested its omission from his speech and Macdonald complied ². This was not going beyond his powers. Even Elgin had on one occasion made an unadvised but approved speech on closing Parliament, ³ and as late as 1858 the Colonial Office had been surprised that a speech made by Sir Edmund Head had been made by him as his Government's mouthpiece ⁴.

After seven days the House had become so hostile to Macdonald, that without waiting for a vote of no confidence, he realized that his hour had come and handed in his resignation to Dufferin, who sent for Mackenzie and granted him a dissolution. He was returned by a large majority.

Dufferin now entered upon the stormiest part of his administration. The Liberal party, which had so large a majority in the House of Commons, was not as strong as it looked, being divided upon itself. One group, the advanced Liberals, calling themselves the Clear Grits, were to play a large part in the days to come. There was a more fatal division of leadership. Mackenzie, who had been chosen leader of the party in the Dominion after the 1872 elections, had never held office in a Dominion Cabinet, and was junior to Holton and Dorion and had actually for a short time served under Blake when the latter was Premier of Ontario. It is said that a section of the party had been anxious for Blake to accept the leadership of the party but that he refused, and that when Dufferin sent for Mackenzie he again offered to stand down for Blake ⁵. Blake was by far the abler man of the two and

¹ J. Pope, *Correspondence* p. 228.

² *Ibid.*, p. 230.

³ F. Hincks, *Reminiscences* p. 256.

⁴ *Can. Hist. Review* 1932, p. 373.

⁵ R. Cartwright, *Reminiscences* pp. 120-2.

Mackenzie had great difficulty in controlling him and some party members also tended to follow him rather than Mackenzie.

Dufferin felt apprehension over the abilities of his new Ministers, and wrote and complained about their inexperience to the Colonial Office, at the same time saying that he meant to give them all the help he could.¹ Fortunately he had established good relations with Mackenzie before he had assumed office. He had stumbled against him in the dark and so friendly a conversation had ensued that Mackenzie called the following day to apologize for some criticisms of the Governor General which the press had attributed to him. Dufferin found out that Mackenzie suspected that the Imperial authorities were opposed to him, whereupon he was assured that neither the Colonial Secretary, nor the British Prime Minister, would raise a little finger to save any Canadian Prime Minister and that Dufferin would be as loyal and friendly to Mackenzie if he became Prime Minister, as he was to Macdonald.²

But Dufferin was worried about Mackenzie's fitness to be Prime Minister and, although he emphasized that he was a "stalwart Britisher,"³ he knew that he required more qualifications than that to hold office successfully.

The fear has been gradually gaining upon me that my Prime Minister is not strong enough for the place. He is honest, industrious, and sensible, but he has very little talent.⁴

Thus he wrote to Carnarvon. On another occasion Dufferin told the Colonial Secretary that Mackenzie had got into trouble with his colleagues for his "complaisance to yourself and me."⁵

Mackenzie was a dour Scot, upright and utterly honest, conscientious in attending to detail, one who saw the trees so clearly that he failed to mark the wood. Whereas Macdonald neglected his own department to attend to the interests of his party, Mackenzie was so attentive to his departmental duties that he was generally overworked and neglected to build up a following in the country. He was, in short, a type so often thrown up among those of Puritan tradition, unblemished and painstaking, but also rather painsgiving. He would have done admirably as a school master, but he lacked the qualities of a successful politician.

¹ G D 6/26 Dufferin to Carnarvon 18th March 1874.

² A. Lyall *Life of the Marquis of Dufferin and Ava* p. 224.

³ G D 6/27 Dufferin to Carnarvon 18th September 1874.

⁴ G D 6/26 Same to same 16th April 1874.

⁵ G D 6/31 15th February 1877.

Compare him with Blake, the man who was to prove such a trial to him, to Dufferin, and to the Colonial Office. Blake was a prominent member of the Canada First Party and was gifted with great eloquence, which was often rather biting. When Dufferin refused to take the advice of the Opposition over the prorogation of 13th August, Blake called the Governor General's arguments "puerile and disingenuous" and compared him with Charles I, and the Commission with the Star Chamber. Dufferin was deeply offended and complained to the Colonial Office that if Blake were subsequently to become a Minister of his, it would make their relationship a difficult one, and that while he would forget these insults, Blake would be unable to do so,¹ which was the current way of saying that they would both always remember them.

Blake was an interesting character. Able and eloquent, he would have been a born leader of men but for one defect which vitiated his whole personality. This was an innate hostility to all personifications of authority, the unhappy result, doubtless, of an overdisciplined childhood. Throughout his life he never outgrew the unholy joy of being able to contradict his superiors and seeing the discomfiture he caused. This explains why he was such a disloyal follower of Mackenzie's and why, at the most awkward moments and to the imminent peril of the party, he would resign, it explains his hostility to Dufferin before and after entering the Cabinet, it explains at least in part his long-drawn out correspondence with the Colonial Office on the powers of that Office and of the Governor-General. In studying his attitude it must always be remembered how far it was from being academic, because, at the very time when he was pressing for a diminution of the powers of the Governor General, he was engaged in a dispute with him over the building of the Pacific Railway.

Men like Blake make bad colleagues and hopeless subordinates, but if they happen to find a wrong which needs righting, they will smite it hip and thigh. In this way they often do valuable service to the community. Failing to be loyal to people, they can be enormously loyal to an ideal.

Blake also possibly felt uncomfortable in the presence of that highly polished gentleman, Dufferin, and though all are agreed that Blake's manners in personal intercourse were unimpeachable,

¹ C O 42/720 12th September, 1873

he probably felt rather uncouth in comparison with the Governor-General, as "colonials" often do with British aristocrats. This helps to explain his enthusiasm for Canada's ultimate independence and his famous description of the Canadians as "four million Britons who are not free." He was, beyond dispute, abnormally sensitive and emotional. He must have experienced a thousand unintended slights, and died a thousand unnecessary deaths.

Blake was a thorn in Dufferin's side and the most interesting fact of their relationship was not that they quarrelled—that was inevitable—but that they got on at all and that Dufferin, as well as criticizing him, could say some amazingly generous things about him. Although he spoke constantly of his bitterness and tendency "to allow his passions to warp his professional opinions and political judgment,"¹ he always insisted that he was honest and extremely able.² There was an understandable undercurrent of relief when Dufferin reported that Blake might be compelled to resign through ill-health, which Dufferin rather uncharitably described as inflammation of the brain.³

We have already seen how Dufferin took up with enthusiasm the suggestion of Carnarvon that the latter should arbitrate over the building of the Pacific Railway to British Columbia, and how he had induced Mackenzie, much against his will, to agree to Carnarvon's arbitration.⁴ His interference with his Government thereafter would have been much more complete if Mackenzie had not had Blake to stiffen his resistance. It was, even so, an extraordinary amount of interference from a constitutional Governor.

When the Esquimalt-Nanaimo Railway Bill was defeated,⁵ Dufferin was most annoyed. In an interview with Mackenzie he called the handling of the Bill in the Senate "disgraceful" and said that it had been introduced in a "languid and perfunctory" manner by the leader of the Government in the Senate, who had said that the railway was being built due to the interference of the Imperial Government.⁶ More quarrels followed

¹ G D 6/27 Dufferin to Carnarvon 10th October 1874

² See for example G D 6/26 Duff to Carn., 23rd April, 1874

³ G D 6/31 Same to same 27th April and 11th June 1877

⁴ See ante, p. 101

⁵ See ante, p. 99

⁶ Mackenzie's Letter Books, no. 1 p. 788

when Blake, who had left the Government when the Railway Bill was introduced, was prevailed upon by Mackenzie to re-enter the Cabinet, on condition that a cash subsidy should be paid to British Columbia instead. British Columbia objected and protested to Carnarvon who said that he was still willing to arbitrate.¹ Mackenzie's reply strongly objecting to Carnarvon acting as judge, was largely due to Blake's influence, as Mackenzie had promised him that he would insist on the subsidy, irrespective of what the Colonial Secretary said,² and Dufferin insisted on more conciliatory terms being used in the letter which finally was despatched to Carnarvon.³

Mackenzie publicly emphasized that the compensation paid to British Columbia would not increase taxation. Dufferin had an interview with him, which he characterized as stormy, when he objected to what seemed to him the ostentatious way in which Mackenzie kept on assuring the public that there would be no increase in taxation. Mackenzie assured Dufferin that he meant to carry out his obligations, and build the major railway, and was induced to write a paper for Carnarvon's inspection in which he pledged himself to devote all surplus money to the building of the Canadian Pacific Railway.⁴ In spite of this, Dufferin did not let him off lightly —

I also suggested to Mackenzie (he wrote) that perhaps he was not strong enough to control his Cabinet.⁵

Soon Dufferin, feeling that his efforts with Mackenzie were being nullified by the influence of Blake and Cartwright, who were putting every obstacle in the way of building the Railway, insisted on interviewing the two of them in the presence of the Prime Minister and reading them a lesson.⁶ His letter to Carnarvon, describing the incident, continues —

As Mackenzie himself somewhat piteously confessed to me the other day, he has been perpetually accused by his colleagues of too complaisant an attitude towards the Colonial Office.⁷

Dufferin admitted that he had 'badgered, baited, and twitted' Mackenzie with arguments on the Railway.⁸

¹ C.O. 47/41. 2392.

² *Can. Hist. Review*, 1931, p. 380.

³ G.D. 6/29. Dufferin to Carnarvon, 6th April, 1876.

⁴ *Ibid.*

⁵ G.D. 6/29. 1st June, 1876.

At this stage Dufferin went on his trip to British Columbia to see what he could do to settle the dispute between province and Dominion. Maxwell, in his excellent article on the subject, says —

The situation thus was that a member of the British Government in London advised by an imperial officer in Canada, was to settle a dispute between a province and the federal administration. For this the only defence was that, rightly or wrongly, the imperial government was already involved.¹

Dufferin, however, in his famous speech in Victoria, stressed that he had not come "on a diplomatic mission, or as a messenger, or charged with any announcement, either from the Imperial or from the Dominion Government". He defended Mackenzie over the defeat of the Railway Bill in the Senate, and said that the Carnarvon terms were really Mackenzie's terms in all but the expenditure of the \$2,000,000 annually, Mackenzie having suggested \$1,500,000. The construction of the Esquimalt-Nanaimo railway "as a Government enterprise would be at all events at present a useless expenditure of public money". He talked of the folly of secession and how the British Columbians would suffer if they tried to stand alone.²

If Dufferin had not gone beyond that, nothing but praise would be due to him in defending a Government which he so heartily criticized himself, and in doing his utmost to establish better feelings. But only in public was he able to maintain this air of detachment. His sympathies were almost entirely won over to British Columbia and he telegraphed and wrote to Mackenzie³ for permission to announce a meeting of representatives of Dominion and province in London, under Carnarvon. The letter gives the impression that he feared that the danger of secession was considerable. He revealed his feelings to Carnarvon when he wrote —

I am quite aghast at the blundering of my Ministers, which has been far greater and more inexcusable than I could have imagined.⁴

Later he suggested that it might be necessary for the British

¹ *Can Hist Review*, 1932, p. 382.

² Various newspaper reports.

³ Mackenzie's Letter Books, no. 1, pp. 718-19.

⁴ G.D. 6.29 14th September 1876.

Government to use coercion in the end, to get the scheme carried through, but that he was careful not to give the impression that those were his thoughts ¹ This is surely an amazing letter for the year 1876 and it is clear that Dufferin's enthusiasm had outrun the pauser, reason, or he could not suggest coercion after so many years of responsible government.

Mackenzie, no doubt after due consultation with Blake and others, refused to be stampeded. He told Dufferin that the Dominion was tired of British Columbia and would vote it out of the union with the greatest enthusiasm, but he added that he personally would sacrifice everything for the maintenance of union ² This was, it is clear, his way of letting Dufferin know that his attitude would be very unpopular in the Dominion and that interference on behalf of British Columbia would be, to put it mildly, unwise. But Dufferin kept on urging him to refer the matter to Carnarvon for decision and at a subsequent interview Mackenzie told the Governor-General that he had nothing to do with the issue except as a constitutional Governor, that Carnarvon's interference was justified only if Imperial issues were at stake, and that the Canadian Government had to be responsible to the people of Canada and no one else. Mackenzie then hinted at resignation, and afterwards, as he wrote in his journal, the interview was much calmer ³ A Premier's threat of resignation is always a stronger card than a Governor's, and Mackenzie, in his difficult position of having to please his followers, the electorate in general, the people of British Columbia, and those three determined and obstinate men, Blake, Dufferin, and Carnarvon, was well justified in using it.

Nevertheless, two days later there was another interview, with Blake present, in which something closely resembling a quarrel occurred ⁴ On the following day Dufferin wrote to Mackenzie to say that they had both said sharp things on the previous night, and that he could assure both Mackenzie and Blake that the interview had not left a shadow of unfriendly reminiscence on his mind and that, while he did not desire to qualify in substance any of the views he had submitted to them, he would regret very much if on pressing them on their attention, he occasioned them

¹ G.D. 6/30 Dufferin to Carnarvon, 8th October, 1876

² G.D. 6/30 Same to same, 9th October 1876

³ Mackenzie's Letter Books, no. 1, pp. 779-783 (16th November, 1876)

⁴ G.D. 6/30 Dufferin to Carnarvon, 18th November 1876

irritation or annoyance ¹ This was, no doubt, very charming and tactful of Dufferin, but most certainly did not show any weakening. One of the views he had given expression to and whose substance he did not wish to qualify, was —

Within the walls of the Privy Council I have as much right to contend for my opinion as any one of my Ministers and in matters of moment they must not expect me to accept their advice merely because they give it but must approve it to my understanding and my conscience ²

In this startling view of his rights Dufferin persisted and even left a statement to this effect in a sealed package on his desk, to be opened by his successor ³

It is scarcely surprising, therefore, that in spite of Dufferin's soothing letter, on the very next day he had another interview with Blake and Mackenzie, which was so stormy that Dufferin told Carnarvon —

We nearly came to blows ⁴

Three days later Dufferin reported an interview with them. He said —

I confess I completely lost my temper and told them both in very hard language what I thought. Mackenzie's aspect was simply pitiable, and Blake was on the point of crying as he very readily does when he is excited ⁵

But tears or no tears, they would not agree to a conference.

Carnarvon's warning to Dufferin not to make his own position with his Ministers personally disagreeable to himself ⁶ was responded to by Dufferin with the assurance that he and Mackenzie and Blake were now on the best of terms—they having at last agreed to a conference on conditions which were unlikely to arise ⁷—and added, as an afterthought, that Mackenzie anyhow, was thoroughly friendly to him ⁸. If this was so, it says much for Mackenzie's resilience and for Dufferin's so obvious disinterestedness that resentment was not felt towards him.

¹ Mackenzie's Letter Books no. 1 pp. 823-5

² *Ibid.*

³ Argyll *Passages from the Past* p. 416

⁴ G D 6/30 20th November 1876

⁵ G D 6/30 Dufferin to Carnarvon, 23rd November 1876

⁶ G D 6/30 13th December 1876

⁷ See *ante* p. 101

⁸ G D 6/30 25th December 1876

It apparently never occurred to Dufferin during this anxious time, when he expended so much energy and achieved comparatively so little, that a great country which, to use his own words,¹ was outgrowing its breeches in one respect, could not fit comfortably into them or take a smaller size in another. His experience showed future Governors General that it was best to leave Dominion statesmen to work out their own salvation—or damnation.

Yet Dufferin, in some respects, was most thoughtful to his Ministers. Over his commutation of Lepine's sentence, he induced Carnarvon to send a despatch that Her Majesty's Government had full confidence in his judgment, so that it would make it appear that he was acting in the Queen's name, when he commuted the sentence, and his Ministers would not then be accused of trying to shelter behind him.² When Dufferin had commuted the sentence, too, he deliberately postponed making the announcement public (though he saw to it that Lepine was informed) until the elections in Ontario were over, so as to avoid making it a political issue.³ This brought accusations against him of undue partisanship towards his Government, as the delay was undoubtedly a blessing to the Liberals. But in judging Dufferin's interference over the Railway question, it is well to remember that he also assumed unpleasant responsibilities, to make things easier for his Cabinet, and was unlikely to be willing to cease from exercising authority beyond that. Yet he did not press for permanent loss of political rights for Riel and Lepine, when Parliament subsequently issued an amnesty to them, although he himself was keen that this should happen, because Mackenzie had said that a discussion on this point would cause a split in the Cabinet.⁴

Dufferin severely rebuked the Cabinet and told them to exercise more care and consideration in drawing up a State paper of such importance, when they submitted to him a copy of the proposed amnesty, which he returned to them.⁵ Dufferin then went on four months' leave and Sir O Grady Haly, the senior military officer, was sworn in as Acting Governor General.

¹ See *post* p. 196

² G.D. 6/27 Dufferin to Carnarvon, 18th November, 1874

³ G.D. 6/27 Same to same 4th December 1874

⁴ G.D. 6/28 Dufferin to Carnarvon, 25th March, 1875

⁵ G.D. 6/28 Same to same 16th April, 1875

Blake had the amnesty published without consulting Haly and Dufferin wrote a stiff letter of reproof to Mackenzie.¹

With Blake's efforts to get the Governor's Instructions brought up to date we have already dealt, in part.² It remains only to point out that through Blake the right of the Governor-General to attend Privy Council meetings, his right to act without advice, with only the stipulation that he should give his reasons to the Colonial Secretary, and the necessity for the minutes of the previous meeting to be read over and confirmed before proceeding to business were all omitted from the new Instructions, as well as the Governor's power of granting marriage licences, granting letters of administration and probate of wills, his custody of idiots and lunatics and their estates, etc.³ The last group were covered by Canadian legislation, and the first group had been plainly outgrown by Canada.

The correspondence over the rights of the Governor-General and the Colonial Office to disallow provincial legislation had so exasperated Blake that he introduced a resolution into the House on the subject and was only with difficulty induced by Dufferin to withdraw it as unsuitable for public debate.⁴ Fortunately, although Dufferin had an exalted opinion of his rights on this issue, he and his Cabinet had no disagreement on its actual operation. In 1874 the legislature of Prince Edward Island passed a Bill expropriating absentee landlords of the island. Dufferin told his Ministers that he could not consent to this Bill. His Ministers agreed with him over the disallowance, and a Commission was set up to arbitrate over disputes on property rights in the Island by an Act of the Canadian Parliament, the Prince Edward Island Purchase Act of 1875. Dufferin had a good deal of say in the choice of the Commissioners, as he was keen that judicially-minded men should be chosen.⁵ In another instance Dufferin agreed with his Prime Minister, Macdonald, that an education act of New Brunswick, imposing secular education for all, should not be disallowed, in spite of a resolution of the House of Commons in 1872 calling for disallowance.⁶

¹ G.D. 6 28. Dufferin to Carnarvon 30th July 1875.

² See ante pp. 79-87.

³ Can. Soc. Pap. No. 13 of 1877.

⁴ G.D. 6 29. Dufferin to Carnarvon 4th March 1875.

⁵ C.O. 42/737 164th.

⁶ C.O. 42 717 3904.

Canada was moving fast towards nationhood and in 1874 the Dominion was represented in negotiations with the United States by a Canadian, instead of by an Englishman, as formerly. To them it was a valuable precedent, to Governor General and Colonial Secretary, an accident. In 1877, therefore, when Dufferin was temporarily out of Ottawa, and Mackenzie sent a representative of his to Washington, he was roundly scolded by the Governor-General and by Carnarvon.¹ Dufferin agreed with Carnarvon that he could not allow "the insensible growth of direct diplomatic intercourse even though it should be of an informal or unofficial character."²

Occasionally Dufferin, instead of seeing eye to eye with Carnarvon, took the part of his Prime Minister. Thus he pointed out to Carnarvon that awards of titles by the Colonial Secretary to followers of the Prime Minister, without prior consultation with him, was unfair to the Prime Minister, as he was held responsible, for what, in fact, he was ignorant of.³ This reminder was needed at the time when Mackenzie alone was unable to make his point of view appreciated.

Dufferin told Carnarvon that he welcomed the idea of the return of the Conservatives at the next election.⁴ Did he say this to please the Colonial Secretary, who was also a Conservative, though he himself was a Liberal? Dufferin was a flatterer but, I maintain, too sophisticated to expect quite so crude a trick to work. He was, it is very clear, tired of the constant quarrels with his Ministers, and was longing for the more efficient, if more corrupt, Macdonald Cabinet. His wish was granted in 1878 when the Liberals were badly beaten at the polls. He advised Mackenzie to resign before Parliament met⁵ and his advice was taken. Macdonald became Prime Minister and Dufferin acted honourably by his previous Prime Minister, keeping from Macdonald the names which Mackenzie had recommended for honours.⁶

Mackenzie wrote to Dufferin expressing

¹ G.D. 6/31 Dufferin to Carnarvon, 9th October 1877

² G.D. 6/31 Same to same, 17th September 1877

³ G.D. 6/31 9th October 1877

⁴ G.D. 6/31 19th January 1877

⁵ J. Pope, *Correspondence*, p. 589

⁶ *Ibid.*, p. 265

my deep gratitude to you for your unvarying kindness to me, and the constant anxiety you have shown to aid me in every way in carrying on the Government.¹

That, in spite of all, these men liked and respected each other, seems likely. Years afterwards, in 1883, when Mackenzie was in England, Dufferin wrote to Mrs Mackenzie to say that a speech of her husband's at the Empire Club was the best of the evening.²

Dufferin left shortly after Macdonald assumed office again. His letters to Carnarvon clearly show that, although he had interested himself in the minutest details of the country's administration, so that there was scarcely an event of which he had not mastered the details, or an appointment which he did not carefully consider, he had been bored because his powers had been so limited.³ In spite of his undoubted ability and his even greater powers of flattery, Dufferin did not have the disposition of a constitutional Governor and failed to understand a country which was in the "awkward age" when she insisted on the rights, but hesitated to assume the responsibilities, of nationhood.

Dufferin's successor was far less able than he. Lord Lorne, the son-in-law of Queen Victoria, was more fitted for a literary and artistic life than a political one. In later life he drew a very exaggerated picture of the powers and influence of a Governor-General⁴ and also gave, after the fashion of many autobiographers, a distorted picture of his own measure of control while he was in Canada.⁵ Actually, just as one of the factors in Dufferin's influence was the inexperience of his Prime Minister, Mackenzie, so, during Lorne's administration, his Prime Minister's length of service placed him in a position of enormous advantage over the young, and not too strong Governor-General.

This was illustrated by the Letellier incident which might so easily have occurred in Dufferin's time and took place, instead, shortly after Lorne arrived, and was thoroughly badly handled. Whatever we may think of the motives for the reference to the Colonial Office,⁶ there can be absolutely no excuse for Macdonald's subsequent behaviour. On 3rd April, 1879, in

¹ W. Backingham and G. W. Ross, *Life of Hon. Alex. Mackenzie*, p. 515.

² *Ibid.*, p. 607.

³ See e.g., G.D. 6/26, 18th March 1874.

⁴ Argyll, *Imperial Federation*, p. 64.

⁵ Argyll, *Passages from the Past*, pp. 412-13.

⁶ See ante, pp. 89-91.

the House of Commons, he let it be understood that the Governor-General had acted on his own authority. He could do this glibly as he knew that the Governor General could not constitutionally defend himself.

There was a great outcry in Parliament and press and even suggestions that the Governor General should be recalled. The French Liberal press congratulated the Governor General on his courage while the French Conservative press was really violent. Lorne wrote and requested Macdonald to make clear that the appeal had been made on his advice.¹ On 7th April, after four days of mudslinging in press and Parliament, Macdonald admitted what the circumstances were but still allowed the idea to persist that it was out of kindness that the Government was bearing the blame which by right belonged to the Governor-General. This is another of those incidents which show how unlike the King is the Governor General, for no British Prime Minister would have dreamt of making his Sovereign a scapegoat in this fashion.

This affair made temporarily for rather strained relations between the Governor-General and his Ministers, some of whom refused to attend a dinner at Government House while the Colonial Office decision was pending, a state of affairs which the papers freely commented on.² Cartwright, who had been a member of the Mackenzie administration, wrote in his *Reminiscences* that it was a common joke in Ottawa that Ministers could not find their way to Government House.³ Later Lorne and his Cabinet, except for one more issue, appear to have got on fairly well together, after the latter had learnt that a Governor-General made a most inadequate shelter from criticism for acts which they themselves advised. But years later, in 1882-3, stories got about that Macdonald had insulted Princess Louise, the Governor General's wife,⁴ while another version had it that it was Lady Macdonald who was supposed to have insulted the Princess.⁵ Such tales would scarcely be worthy of notice if it were not that the less reputable American newspapers made much of them and created great embarrassment for Governor-

¹ J. Pope, *Correspondence* p. 259.

² See for example *Qu'bec Morning Chronicle* 4th April, 1879.

³ *Op. cit.*, p. 213.

⁴ R. Cartwright, *Reminiscences*, p. 211.

⁵ J. Pope, *Correspondence* p. 260.

General and Prime Minister. They were strongly denied by both Lorne¹ and the Princess.²

Lorne was helpful to his Cabinet over their desire to have their own representative in London. In 1879 they submitted their request to the British Government for their own High Commissioner,³ but that Government did not welcome this manifestation of growing national feeling, pointed out that they could not permit him to take part in the negotiation of any treaty, though he might express his opinions to the British representative, and finally objected to the title of 'High Commissioner'.⁴ The Canadian Government, with some support from Lorne, persisted, and won their point,⁵ as far as the title was concerned. Lorne had been won over to the Canadian side through skilful handling on the part of Macdonald. He had been afraid that his Cabinet would come to deal direct with the British Government, through their High Commissioner, and that he would neither know, nor have any influence over, their policy.⁶ He therefore insisted on being informed of any instructions sent to the High Commissioner.⁷ Macdonald most earnestly assured him that nothing would be done without his knowledge or intervention.⁸ Lorne had then gladly given Galt, the High Commissioner, introductions to men influential in Court and politics.⁹

Unfortunately Lorne and his Cabinet were not always in such close consultation and when Lorne decided to act on his own initiative, he acted unwisely. This was clearly shown over the *Atalaya* question¹⁰ when the Governor General gave a display of the combined stubbornness and rashness which is characteristic of inexperience trying to appear master of a situation. He acted unconstitutionally when he had dealings with the lawyer for the Crown without consulting his Ministers, and in allotting the money which the Imperial Government sent, again without reference to them. His long, rambling, and querulous memoranda for his Cabinet and the Colonial Office are in striking contrast

¹ J. Pope, *Sir John A. Macdonald* (unpublished) p. 23.

² J. Pope, *Correspondence* p. 295.

³ C.O. 42/757 214A.

⁴ *Ibid.*, and C.O. 42/758 1st November 1879 C.O. 42/760 31st January 1880.

⁵ C.O. 42/760 6th and 7th February 1880.

⁶ C.O. 42/760 5295.

⁷ O. D. Skelton, *Life and Times of Sir A. T. Galt* p. 530.

⁸ *Ibid.*, p. 529.

⁹ See *ante*, pp. 129 seq.

with the lucid and masterful documents drawn up by his predecessor, Dufferin, or his even more able successor, Lansdowne.

Lansdowne was the first of a new type of Governor, with plenty of ability and yet willing to leave his Ministers without interference beyond a word of advice or admonition when necessary, one who was content to use his influence in the background. That his attitude was not determined by indifference is proved by his unwillingness to leave his Government at a time when they were having difficulties with the United States¹ and when another election was due, which might make it necessary for him to have a new Prime Minister, who would be ignorant of the facts of the case. To him it seemed "very important that nothing should be done to discredit the office which I hold."²

It is natural that with this attitude to his Cabinet he should have got on very well with them. Macdonald said that he was the ablest Governor under whom he had served, with possibly the exception of Lord Lisgar,³ and other leading statesmen of both parties shared his views.⁴ And, precisely because he got on so well with leading statesmen, the degree of his influence is difficult to assess, since there were no "incidents" in connection with his Cabinet during his administration. Even Louis Riel's 1885 rebellion, capture, and sentence of death, did not involve the Governor General, who, acting on the new Instructions, took the advice of his Cabinet in refusing to commute the sentence.

Very much the same may be said of the next Governor-General, Lord Stanley of Preston, afterwards Lord Derby, who, if not as able as Lansdowne, was certainly no more interfering. But it would be a mistake to assume that his Cabinet acted without consulting him and even over so small a matter as a dismissal of a light house keeper for political partisanship, Macdonald wrote and carefully gave his reasons to Stanley for requesting his assent.⁵

When Macdonald died in 1891 he had no obvious successor and Stanley had to exercise the right of choice. He sent for Sir John Thompson, who had been a judge of the supreme court of Nova Scotia, and then Minister of Justice under Macdonald.

¹ See ante p. 61.

² Letter to his mother. Lord Newton, *Lord Lansdowne*, pp. 43-4.

³ J. Pope, *Memoirs* p. 613.

⁴ O. D. Skelton, *Life of Laurier*, vol. II, p. 86 and R. L. Borden, *Memoirs*, vol. I p. 359.

⁵ J. Pope *Correspondence*, pp. 444-5.

Thompson refused and recommended Sir John Abbott, and Stanley was said to be annoyed over Thompson's unwillingness, and intended, if Abbott also declined, to send for Sir Wilfrid Laurier, who had become the leader of the Opposition since 1887 after Blake, who had succeeded Mackenzie in that position in 1880, had gone to England.

Between 1891 and 1896 four Premiers held office and in their inexperience the Governor-General undoubtedly counted for more than with a veteran like Macdonald. Lord Aberdeen, the next Governor-General, indeed, refused to take the advice of his Cabinet on one historic occasion.

Thompson died in 1894 and the Conservatives were doubtful whether his successor as leader of the party should be Foster or Tupper. Sir Mackenzie Bowell, the senior Privy Councillor, suggested that, unless they hurried, the Governor-General would send for Laurier. Thereupon he himself was, as he had undoubtedly foreseen, chosen.¹ Bowell remained Prime Minister until 1896 when, to strengthen the party's chances at the coming election, Tupper was induced to become Premier. At the beginning of the same year Bowell had asked Aberdeen to relieve him of office because, within forty-eight hours of the delivery of the Speech from the Throne, seven of his colleagues resigned, ostensibly because he had not filled one vacancy in the Cabinet,² but really because they disagreed on what line of action should be taken over the Manitoba School Question. Bowell handed in his resignation although the Speech had not yet been considered. Aberdeen refused to accept it, saying that the Premier must first test the feelings of the House on the Speech, and that it was Bowell's duty to try to reorganize his Government. This he succeeded in doing within a few days, and most of the Ministers returned to the Cabinet. The whole affair from beginning to end lasted twelve days.

Aberdeen could have sent for Laurier, instead of refusing Bowell's resignation. If Laurier had been granted a dissolution he would very likely have been returned then, as he was soon after. Nevertheless, Aberdeen felt that, as long as the Government could carry on, he would be fully justified in refusing their resignation. This was in accordance with orthodox theory,

¹ R. L. Borden *Memoirs* vol. 1, p. 138.

² Can. H. C. Debates 9th January 1896.

and seeing that he was right in his surmise, he probably acted as wisely as circumstances permitted

At the same time there was another manifestation of the weakness of the Government and of the very real authority exercised by the Governor General, as its direct corollary. The Cabinet asked him, and he consented to assume, personal responsibility for the commutation of the sentence on F. V. C. Shortis, although under the new Instructions the Governor was not expected to assume responsibility except when Imperial issues were involved.¹

After the 1896 elections came the most outstanding event of Aberdeen's administration. The Conservatives were badly beaten, but the convention was not then firmly established that a defeated Prime Minister should hand in his resignation before meeting Parliament. In 1868 Disraeli, and in 1874 and 1886 Gladstone, resigned as soon as the results were known but in 1892 Salisbury decided to meet Parliament first.

Tupper decided to meet Parliament. He went on spending money, and also sent in a list of ninety-two nominations to Aberdeen, for some of whom no salary had been voted by Parliament, and others of whom were defeated ex-Senators, who had resigned to contest the elections for the House of Commons.² Before judging Tupper by British standards, however, it would be well to remember that a modified Spoils System flourished in Canada under all parties, and Macdonald himself had dismissed a great number of officials on his return to power in 1878.³

Metcalf, who had objected half a century earlier to responsible government because it placed patronage in the hands of political partisans, would have approved of Aberdeen's action. Tupper had been Prime Minister for only about three months and his administration had been formed after the dissolution of Parliament. These facts, together with Tupper's expenditure of money without parliamentary sanction, made Aberdeen anxious to secure his resignation. He also objected to many of the nominations *per se*. He refused to sanction fifty-seven of them and wrote a memorandum explaining that he could not approve of the appointment of judges and senators, as these were life appointments, and as so many were already held by Conservatives.⁴ He also refused

¹ See *ante* p. 86.

² Can. H.C. Debates 4th May 1898.

³ Argyll *Passages from the Past* p. 413.

⁴ Can. Sess. Pap. 1896 nos. 7a and 8.

to sign an Order-in-Council authorizing the Government to sign a contract with Allan's for the Fast Atlantic Service.¹

Naturally, Tupper resigned as a protest. Laurier became Prime Minister and held office till 1911. He was a prominent French Canadian concerning whom English Imperialists had great hopes as their bell-wether, to use his own phrase,² but Laurier was strongly imbued with Canadian nationalism. He did a great deal to win respect for his own people among the English Canadians, and was himself a fine type of French Canadian, shrewd and able, cultured and with a deep respect for English Parliamentary traditions. As soon as he assumed office he refused to sanction all but two—the Liberals said ten—of the nominations approved of by the Governor-General, for what he claimed were adequate reasons.³

Tupper became Aberdeen's life-long enemy. He returned a golden wedding present which the Governor-General sent him⁴ and repeatedly discussed his wrongs in Parliament and was quite frankly insulting to the Governor-General, although pulled up by the Speaker. His attitude was that Aberdeen should have done what Dufferin, whom he praised as a model of a constitutional Governor, had done in 1878, when he filled a hundred and sixteen vacancies, and made seventeen promotions, at Mackenzie's request, after the Prime Minister's defeat at the polls.⁵ He said that Aberdeen had no right to refuse his advice before the House had passed a resolution of no confidence in him and asserted that Aberdeen looked at the matter

with eyes which I have no hesitation in saying that the strongest partisan in the ministerial benches here could not surpass.⁶

He accused Aberdeen of going behind his Ministers by asking his future Government whether they approved of the recommendations. Aberdeen was also condemned for first sanctioning thirty-five appointments and then allowing the Liberals, on assuming office, to cancel most of them.⁷

Laurier defended the Governor-General by saying that he did

¹ J. W. Longley *Sir Charles Tupper* p. 214.

² O. D. Skelton *Life of Laurier* vol. II p. 342.

³ Can. H.C. Debates 4th May 1894.

⁴ J. W. Longley *op. cit.* p. 220.

⁵ Can. H.C. Debates 21st September 1896.

not actually sign the recommendations, but only a memorandum expressing his willingness to sign them¹ He also said that Aberdeen was justified in refusing to act on the advice of one whom the people had rejected, a fact that had been obvious without waiting for Parliament to meet, and that Aberdeen had been worried about the supplies that were being used without the sanction of Parliament² He pointed out that Tupper had told the press that he intended resigning as soon as he had finished routine business³

The last, at least, was a very inadequate reason for the Governor-General's action, as he was not supposed to take cognizance of press reports There was some justification for Tupper's statement that neither would the Queen act as he had done nor had any Canadian Governor done so⁴ There was also, unfortunately for the Governor General, a sharp sting, caused by proximity to truth, when Tupper accused him of making himself leader of the Liberal party⁵ for Aberdeen was known to be strongly Liberal, even if his Liberalism meant something different in England He had refused the advice of a Conservative ministry, thus furnishing one of the very rare occasions when this charge of partisanship could be levelled against a Governor-General in Canada with any justice⁶

It is obvious that, however little justification there was for many of the recommendations, Aberdeen was unwise in refusing to sanction them. Even if the result was a number of unsuitable appointments, he could depend upon the new Government publishing abroad the sins of its predecessors and it was not for him to refuse to make appointments just because they would make things difficult for the new administration by keeping the Senate too strongly Conservative This episode did have the result that subsequent Premiers in the same position as Tupper were very careful to recommend the filling only of essential appointments But the cost of the victory was too high It led to long-drawn-out criticism which must have been bad for the Governor-Generalship itself

Tupper criticized Aberdeen also for a speech he made to the National Club at Toronto, which was reported by the Toronto

¹ Can. H.C. Debates, 4th May, 1893

² Can. H.C. Debates, 21st September, 1896.

³ Can. H.C. Debates, 8th May, 1899

⁴ See post, pp. 201 seq

Globe as stating that it was impossible for Canada to hope for preferential trade with Great Britain. The question of customs policy was a live one and divided the two parties. Macdonald had introduced the so-called National Policy in 1879, which was a modified form of Protection, much to Mackenzie's displeasure, but Laurier did not believe as unreservedly in Free Trade as his predecessor, Mackenzie, and favoured a preferential tariff within the Empire, with duties on foreign goods. This he put into operation after taking office but had so far been unable to induce England to reciprocate.

A Governor-General is not supposed to make speeches against the views of his Government, or on controversial subjects, except in valedictory speeches, when this rule is relaxed. Tupper therefore said that, unless he was expressing the views of his Ministers, Aberdeen's speech was unconstitutional. The Speaker ruled that the public speeches and acts of the Governor-General were not absolved from criticism in the House because responsible Ministers were there to answer for these but that, in connection with private acts and speeches, discussion should, if possible, be avoided and that otherwise the

greatest possible respect should be shown to the high position which he occupies here and to the fact also, that it is impossible for him to defend himself against attacks.¹

Tupper asked whether the Cabinet took responsibility for the speech.² He pointed out that it had been decided in the House as long ago as 1877 that the ministry of the day must take responsibility for all public speeches of the Governor-General, except those made by him as an Imperial official.³ Laurier held that the Cabinet was responsible only for the Governor-General's political speeches. If the Governor-General was called upon to attend an agricultural dinner, the Cabinet could scarcely be held responsible for the views he might express on agriculture.⁴ Previously he had maintained that Aberdeen had spoken on the occasion under discussion not as Governor-General but as Lord Aberdeen,⁵ but he soon retreated from this completely untenable position and stated that the speech had

¹ Can. H.C. Debates, 7th February 1898.

² Can. H.C. Debates, 8th February 1898.

³ Can. H.C. Debates, 22nd August 1903.

⁴ Can. H.C. Debates 7th February, 1898.

been wrongly reported by the *Globe*, and that there was nothing in it, really, to which objection could be made but that the Cabinet stood by every word of the Governor-General's speech.¹

Later Laurier refused to assume responsibility for a speech made by Lord Minto in 1903 as Governor General, to the Chambers of Commerce, when he defended preferential trade and said that it should be used as a means of strengthening relations between Great Britain and Canada. Bourassa, leader of the French Canadian nationalists, attacked Minto for it and Laurier stated that the speech had been made on Minto's own responsibility.² Minto had given Laurier reason to distrust his speeches.³

Grey made many speeches on such controversial subjects as Imperial Federation, Imperial Defence, and Imperial Preference. He did it not out of cussedness, but because speechmaking provided an outlet for his over-exuberant spirits. He was suspect among the Liberals, especially those of Quebec, but, of course, while these criticized him others, who agreed with him, warmly defended him. The best criticism of him is found in Ewart's *Kingdom Papers* in which Ewart pointed out that the fact that Grey was talking as an Imperial officer did not justify him in making his speeches, seeing that the King, the highest Imperial officer, might not enter into public discussion.⁴

Although Grey claimed that, conscious of his constitutional limitations, he had walked the tight rope of platitudinous generalities, and was not aware of having made a serious slip in his administration,⁵ he must have made things rather awkward for Laurier, who, apart from his own views, had to be careful of the opinions of his followers. Although there was the opinion expressed in some quarters that freedom of expression on the part of the Governor-General was the concomitant of the Dominion's growth in strength and confidence,⁶ this was constitutionally unsound doctrine. The greater the stature achieved by the Dominion the less obtrusive must the Governor-General be politically and the more must his influence be *sub rosa*.

¹ Can. H.C. Debates, 8th February, 1893.

² Can. H.C. Debates, 22nd August, 1903.

³ See *post*, p. 175.

⁴ *Op. cit.*, vol. I, p. 119.

⁵ *Can. Annual Review*, 1909 p. 41.

⁶ *Ibid.*, p. 41.

This Canada's royal Governor-General, brought up in the traditions of his House, readily understood, and in speechmaking, as in other ways, he set a new fashion in gubernatorial behaviour. His speeches were correct and non-committal, and so given to platitudes as to be scarcely worth reporting and certainly incapable of quarrelling over, and no subsequent Governor has attempted to express views in public on matters of controversy between the parties.

But to return to Lord Minto on wider issues than speech-making. If Minto's predecessor, Aberdeen, used his authority, it was because of the peculiar circumstances of his administration, when he had to work with a weak and divided Cabinet. But Minto deliberately brought pressure to bear on a Cabinet which had a good following in the country and in Parliament, and he was, in a sense, therefore, more interfering than even Dufferin had been. Yet Minto, in spite of his lack of experience, his ignorance of constitutional procedure, and his former almost exclusive interest in horses and military matters succeeded in imposing his will on his Cabinet with such finesse that there was no breach between him and them, and with his Prime Minister he appears to have got on admirably and, incidentally, learnt a great deal from him.¹ In Laurier's valedictory speech to the Governor-General he paid him the great tribute of saying that he was in all things a model of a constitutional Governor,² which was no mean tribute, even making allowance for the complimentary nature of such speeches. His more reliably expressed opinion was that Minto was an efficient Governor, if sometimes very stiff.³

Minto's period of office gave him plenty of scope to use his military knowledge. Since 1871 Imperial troops remained only at Halifax and Esquimalt, but the Canadian militia was commanded by an English Officer⁴ who was, however, responsible to the Canadian Minister of Militia and Defence and was paid by the Canadian Government.⁴ We have already seen how no party in Canada was keen on strengthening the military forces, as it involved taxation, and the French Canadians were especially loath, but when the United States, in 1895, had insisted on arbitrating over the boundary between Venezuela and British

¹ See *ante*, pp. 66 and 107.

² *Can. Annual Review*, 1904 p. 371.

³ O. D. Skelton *Life of Laurier*, vol. II, p. 86.

⁴ See *ante*, p. 124.

Guiana, the Canadians became anxious and the Colonial Defence Committee induced the Government to request a Defence Commission's opinion on the country's defences. Just at this time, Major-General Hutton became the Commander of the Canadian Militia, in succession to General Gascoigne. Hutton was, according to Skelton,

a man of strong views on colonial participation in imperial defence, and, as time was to show, not hesitant in urging them ¹

When the Defence Commission's report was submitted, the fears over Venezuela had subsided to some extent, and it was pigeon-holed. Hutton never saw it and Minto had to ask for it several times before it was given to him ²

Hutton soon established a following of his own in Canada and aroused military enthusiasm all over the country by his speeches and newspaper interviews. He induced the Government to dismiss an inferior officer, who was incompetent, and who owed his appointment to party influence ³. The Cabinet disliked Hutton, this man with a mission for which they felt only suspicion, but Minto supported him and attended and made speeches at a number of military gatherings ⁴. Then came the possibility of war in South Africa and the query of the War Office, whether Canadians could be made to serve outside Canada under Canada's Militia Act ⁵. Shortly afterwards Chamberlain asked whether troops would be offered if war broke out and Minto started to urge Laurier to agree ⁶.

It is worth noting that while Minto was thus engaged at the behest of the Colonial Secretary, he was himself not convinced of the righteousness of waging the war and was inclined to think that Britain could manage the affair herself. A letter of his of 28th September, 1899, to a friend, bears this out. He wrote.—

Sir Wilfrid told me the other day that if the question was reconsidered he should call a cabinet Council and ask me to be present. I hope he won't, for I should be in a nice muddle—my chief at home thirsting for blood, all my friends here ditto, and myself, while recognizing imperial possibilities, also seeing the iniquity of the war and that the time for colonial support has hardly yet arrived ⁷

At this stage, however, Hutton's influence began to be felt,

¹ O. D. Skelton, *op cit.*, vol. II, p. 86

² J. Buchan, *Lord Minto*, p. 127

³ *Ibid.*, p. 129

⁴ See *ante*, p. 105

⁵ J. Buchan, *op cit.*, p. 136.

and his efforts to bear fruit. Offers of service in the war, if it came, began pouring in and were forwarded through the Governor-General to the Imperial Government. The other colonies then began to offer contingents but Canada did not follow suit. Hutton and Minto together worked out a plan for a Canadian contingent, if it should later be decided to raise one, and this was handed to the Minister of Militia.

To the inflammable state of public opinion a match was added by an article in the *Canadian Military Gazette* of 3rd October, an unofficial publication, which proceeded, without Hutton's knowledge, to give details of the scheme he had helped to draw up for a Canadian contingent. The Opposition, under Tupper, used this as a stick with which to beat Laurier, and more and more people urged Canadian co-operation. Minto now himself became strongly convinced that Canada should send a contingent and after he had helped to induce the Cabinet to agree, when Chamberlain had sent his famous circular cable with instructions for equipment,¹ he wrote to Chamberlain —

*I have myself carefully avoided any appearance of pressing for troops, but I have put what I believe to be the imperial view of the question strongly before Sir Wilfrid, and I have pointed out to him the danger of a refusal being looked upon in the old country as want of sympathy here, particularly at a time when we must depend upon her good offices re Alaska, and no doubt in many future questions.**

Minto may have seen a great difference between the two but I doubt if his personal abstention from pressure was so clear to Laurier.

At all events, this affair made neither the Imperial authorities nor the Governor-General popular with the Cabinet, especially after Minto made a speech at Quebec to the first contingent leaving Canada, to whom he said that the people of Canada had shown that they had no inclination to discuss the quibbles of colonial responsibility.² No constitutional Governor had a right to make a speech like that. When Imperial Defence was a question at issue between the parties, Minto was clearly wrong in showing himself openly as an Imperialist.

Hutton wished to join the forces but the Cabinet refused to give him leave unless he resigned, and then Laurier asked Minto

¹ See *ante*, p. 106.

² *Ibid.*, p. 143.

* J. Buchan, *op. cit.* p. 140.

to secure Hutton's recall Minto said that while he would transmit the request to England he would also send his own views, stated strongly, against it, which Laurier said might lead to the Government's resignation¹ On which point Minto wrote to Chamberlain —

I do not admit any right on the part of any Government to expect me to refrain from commenting to you adversely on their action²

Minto's views were expressed in a confidential memorandum to the Prime Minister but this was, by mistake, submitted to the Cabinet and a long dispute between the Cabinet and the Governor-General began, culminating, as might have been expected, in an Order in Council requesting Hutton's recall being presented to the Governor General for signature After some delay and a formal protest, he signed it and forwarded the entire correspondence to the Colonial Office Before Hutton left, he wrote a letter of thanks and appreciation to Minto Chamberlain expressed his disappointment over the affair and said that it was desirable that an officer should have a freer hand than an ordinary Civil Servant³

According to *The Round Table*, the public was aware of an undercurrent of conflict between Minto and the Cabinet⁴ The Cabinet must have realized that an English Major General, especially when advocating a programme in high favour with Governor General and Colonial Secretary, could prove a menace to the basic principles of responsible government

Hutton's successor was to cause further trouble He was Lord Dundonald, who had served in South Africa Lacking Hutton's popularity he was his equal in determination He immediately quarrelled with the Cabinet because he wanted additional money for the Militia, and because the Government altered the Militia Act without consulting him Minto supported him to the extent of disapproving of the Act because it failed to embody some clauses desired by the War Office Dundonald criticized the Government in public because the Minister of Militia had scratched out one name on a list of officers submitted for approval, for party reasons Minto was sorry for Dundonald but saw that there was no defence for his act Yet, according to

¹ J. Buchan, *op cit* pp 145-6

² March, 1918, p 379

³ *Ibid* p 148

Skelton, to the Order-in Council for Dundonald's dismissal, Minto asked for time. He was urged by his Military Secretary and some Conservatives to refuse to sign, and he tried to dissuade Laurier, who stuck to his guns and even said that he was prepared to make it an election issue. Minto thereupon signed.¹ Buchan says that Skelton is wrong over these facts and that, in reality, Minto agreed heartily with his Cabinet and did not delay to sign the Order, and that he even remarked that he did not care a damn what anyone said and had not a shadow of doubt that it was the right thing to do.² Minto, according to Buchan, wanted only the resignation of the Minister of Militia, as a lesson on the evils of wire-pulling, but to this Laurier refused to agree.³ Minto then wrote a memorandum on the evils of political interference and which tried to induce the Cabinet to recognize the good services of Dundonald, in spite of his indiscretions.⁴

Minto did not approve of the new Militia Act which enabled the Government to appoint a Canadian Commander-in-Chief, because he thought that he might not be adequately trained, might be more biassed than an Englishman would be by party considerations and would not find it easy to co-operate with other forces in war time.⁵ But the events of the last few years were ample justification for the step they took and thereafter the amount of interference from Governor-General, his Secretary, and his chief in London, diminished in keeping with Canada's status.

Minto used his influence in the dispute between the United States and Canada concerning the boundary of Alaska. In 1825 the boundary between Russian Alaska and Canada was more or less decided, but after the sale of the former to the United States in 1867, there was continued dispute, especially after the discovery of gold at Klondike. America, which had been so keen on arbitration over Venezuela, refused to agree to it in this instance, and, after Roosevelt became President, there was even less chance of the United States agreeing. It was then decided that the question was to be submitted to a commission of "six impartial jurists of repute," in equal numbers British and

¹ D. D. Skelton *Life of Laurier* vol. II, p. 201. Also Can. H.C. Debates 10th June 1894.

² J. Buchan *Lord Minto* p. 151.

³ *Ibid.*, p. 152.

⁴ *Ibid.* p. 155.

American.¹ Laurier agreed, but Canadian public opinion was roused when the American three, instead of being judges, turned out to be the Secretary for War and two senators, all hostile to the Canadian claims.

Minto was annoyed, but impressed on Laurier that Canadians ought, nevertheless, to adhere to their agreement faithfully, as this would put them right in the eyes of the world.² Three judges were accordingly appointed, two Canadian and one English, a circumstance which shows that Canada was getting more and more of the control over her affairs into her own hands. The English judge, Judge Alverstone, agreed with the American demands—he was unfairly accused of acting as a diplomat rather than as a judge—and the Canadians were highly dissatisfied with the award, but again Minto used his influence with the Cabinet to induce them to accept the terms, and defended Lord Alverstone from the charge of partisanship.³

In spite of his imperialism Minto was not opposed to Canadian nationalism, which he said could be intra imperial,⁴ and was sufficiently well balanced and restrained not to rush headlong into an attempt to foster enthusiasm for the Empire, just to please the Colonial Secretary.

Grey, for all his earnestness, was far less wise. He made "sob-stuff" speeches about the Empire, which even caused inconvenience to his Government,⁵ and he was indiscreet in airing his views in favour of co-operative societies,⁶ retail merchants' associations⁷ and reciprocity with the United States. Laurier had turned to the last when he saw that there was no hope of Canadian goods being given preference in Britain. Grey encouraged him and when the 1911 election was fought on this issue, the Governor-General went as far as to urge a prominent Liberal, who was opposed to reciprocity, to support the Government. Mr Aitken (now Lord Beaverbrook) came to hear of it, and told friends that he intended discussing Grey's act in the House of Commons. When Grey learnt this, he sent a member of his staff to see the Liberal statesman, and assure him that he had misunderstood the Governor-General. The Liberal responded to the appeal and Grey "was spared the consequences of his

¹ J. Buchan, *Lord Minto* p. 169.

² *Ibid.*, p. 173.

³ See *ante*, p. 172.

⁴ *Ibid.*, p. 171.

⁵ *Ibid.*, p. 163.

⁶ *Can. Annual Review* 1910, p. 41.

indiscretion" ¹ Laurier was badly defeated in the election owing to the fear, or simulation of the fear, that it would lead to annexation to the United States

Grey did not try to hasten Laurier's resignation and defended him in public by saying that neither he nor his party had aimed at annexation ² He did not try to discriminate against his next Prime Minister, Sir Robert Borden He did remonstrate with Borden over the choice of one member of the Cabinet, but did not hold out against him ³ Although he had a temperament which unfitted him for constitutional Governorship and although he was fervently imperialist, he was in the habit long before the days of the 1926 Conference of calling the Cabinet not "my Ministers" but 'his Majesty's Canadian Ministers' ⁴ and of expressing himself in favour of Dominion autonomy ⁵

The Duke of Connaught, as we have already remarked, was the first of a new type of Governor who said very little and acted in strict accordance with the precedent set by the British monarchy It was all to the good that this should have happened and that at least in the popular mind the Governor General should have ceased to be identified with a particular political or economic creed The Duke also had a negative influence of considerable importance on his Ministers, and on the Opposition To Laurier he seemed a

rigidly trained and repressed constitutional monarch correct and aloof knowing nothing of Canadian political affairs and caring less ⁶

His ignorance of and lack of interest in local politics, as well as his nearness to the throne, must have led to his being told a bare minimum about Cabinet policy and less about party politics This, as much as an awareness of growing importance as a nation, must have accustomed Canadian politicians to cease to rely for advice on the Governor-General also with the Duke's successors This, of course, would make it unlikely that the Governor would any longer be able to interfere effectively but it also meant that he would largely lose the power of acting as a guide in times of difficulty or be one who could halt his Ministers

¹ R. L. Borden *Memoirs* vol. 1 p. 320

² *Can. Annual Review* 1911 p. 619

³ R. L. Borden *op. cit.*, vol. 1, p. 330

⁴ J. Ewart *Alfred Papers* vol. 1 p. 115

⁵ *Can. Annual Review* 1910 p. 36

⁶ O. D. Skelton, *Life of Laurier*, vol. 2 p. 86.

from a policy concerning which he knew all the facts and through his impartial and elevated position was better able to appreciate the consequences. From this time on the Governor-General, instead of having more freedom of action than the King, came, through knowing so little, to have an ever-diminishing influence on policy, and to have far less authority than his Royal prototype. Frankly, the Governor-Generalship, in its political aspects, from now on became, except at rare intervals, something of a bore.

Borden, strangely enough, said that the Duke of Connaught never understood the limitations of his position.¹ It is true that the Duke resented the fact that, with all his knowledge of military affairs, he was only formally Commander-in-Chief of the Canadian army, and found it trying to be unassuming as George V was with his naval knowledge.² It is also true that Borden did not like him, as one can read between the lines. Borden, for example, accused him of mental dullness,³ and, indeed, he treated him rather shabbily. Quite possibly the fact of the Duke being Royal awoke unconscious memories of the struggle in England between King and Parliament and conditioned Borden to a mild hostility to the Governor-General, while he satisfied his feelings of loyalty to the Empire by insisting on contributing to the Imperial Navy.

Borden explained to the Duke's secretary that the Governor-General's functions as Commander-in-Chief were purely nominal.⁴ In 1916 the Duke wrote to Borden criticizing Canadian inaction over recruiting Americans for service overseas, and said that he would feel it his duty to call the Home Government's attention to the situation which was causing unnecessary friction with the United States of America and was exposing the Empire to danger.⁵ This was the one occasion when Connaught was at fault and Borden wrote him a stiff letter remarking on the "unusual character of expressions" in the Governor-General's letter and added that, while he always acted in harmony with the Home Government,

I do not admit their right to control this Government in such matters, nor so far as I am aware have they ever asserted any such right.⁶

¹ R. L. Borden, *Memoirs* vol. II, p. 604

² Esher, *Journals*, vol. III, p. 95

³ R. L. Borden, *op cit.*, vol. II, p. 573

⁴ *Ibid.*, p. 461

⁵ *Ibid.*, p. 601

⁶ *Ibid.*, p. 603

He said that the Governor-General could make representations, if he wished, to the Home Government

provided they take into account Canada's status as a nation possessing complete power of self Government and provided also that you do not overlook certain constitutional principles which are as well defined in this country as in Great Britain ¹

The advance which Dominion statesmen had made in their dealings with the Governor-General is shown by the tone of this letter and by its suggestion that the Duke should forward his letter and the reply to the Colonial Office, mentioning that copies had been sent to the Canadian representative in England ²

The Duke's reply stated that he had given personal objections as Field Marshal of His Majesty's forces and as Governor-General ³ Borden insisted that the affair had nothing to do with military experience but was a question of international law and necessitated "the exercise of the common-place quality of common sense" ⁴ Thereupon the Duke regretted the misunderstanding ⁵

Borden felt convinced that the cause of the trouble was the Duke of Connaught's Military Secretary and told the High Commissioner that he would have insisted on the Secretary's recall if the Governor-General were not on the eve of retirement ⁶ Minto's Military Secretary, we recall, had also been given to offering advice on the Governor's relationship with his Ministers ⁷

On other occasions Borden showed lack of consideration for the Governor-General, and jealousy of his having any influence The Duke complained to him on many occasions that Hughes, the Minister of Militia, was rude, and indeed insolent to him and that his language to his officers was violent and insulting, ⁸ but as Borden valued Hughes' services in the organization of the First Canadian Expeditionary Force, he did not dismiss him, but indeed promoted him to the rank of Major-General and merely remonstrated with him at each fresh complaint Later, when Hughes wrote Borden an impudent letter he was promptly dismissed ⁹ Comment would be superfluous

Borden did not always keep the Governor-General as well informed as he might have done In 1915 he omitted to give the Governor-General notice of the increase of the Canadian army to

¹ R. L. Borden *Memoirs*, vol. II, p. 603

² See *ante* p. 177

³ R. L. Borden *op cit* vol. II, pp. 467 and 493 *seq*

⁴ *Ibid.*, p. 569

500,000. He said that the reason was that he was ill at the time,¹ but when the Duke's secretary expressed the Governor's doubts whether so large an army could be raised, and his displeasure at the notice being given to the press before the scheme was submitted to him for approval,¹ Borden's reply was a rather churlish one. He wrote that it was not necessary for the Governor-General to know, seeing that an Order in Council had not been used for announcing policy for nearly a century, and that this policy was merely a development of his message to the British Government in August, 1914.² The Duke expressed himself satisfied with the explanation.² Of course he had been entitled to know beforehand and was also free to express the opinion that so large a force could not be raised.

On another occasion he wanted Borden to have *Le Devoir*, which was opposed to the war, censored. Borden wisely answered that he was not prepared to do so as Lloyd George had written worse things about the Boer War and Carson about England's policy in Ulster.³

Borden appears to have got on much more happily with the next Governor General, the Duke of Devonshire. There seems to have been only one passing disagreement between them, and this on the question of honours, when in 1912 the House of Commons expressed the opinion that honours should be subject to ministerial responsibility, and that hereditary titles should no longer be conferred. Devonshire suggested that he might retire if that would help but Borden insisted that he had the respect and affection of the Canadians.⁴ What exactly was said it is impossible to guess as we depend for our information on a cryptic note of Borden's.⁴

It seemed to Borden that he would be wise to follow England's example and try to establish a coalition Government to carry on the war and to pass a resolution requesting the Imperial Parliament to extend the life of the Canadian Parliament until 7th October of that year. A conference between the leaders of the two parties was held at Government House and was opened by a speech of the Governor General on the critical conditions of war and the dangers of a general election during war. He then offered to retire but was invited to stay. Laurier agreed to the

¹ R. L. Borden's *Memoirs* vol. II, pp. 529 seq.

² *Ibid.*, pp. 529 seq.

³ *Ibid.*, p. 493.

⁴ *Ibid.*, p. 864.

prolongation of Parliament, which accordingly took place, although he said that he thought that an election would clear the air, but he was opposed to a coalition ¹ Evidently, the Governor-General did not try to put pressure on Laurier to agree to Borden's suggestions, as predecessors, before the Duke of Connaught's time, would quite likely have felt called upon to do

When the Prince of Wales visited Canada in 1919 and Devonshire suggested that the proposed amnesty to deserters should be announced by the Prince in Toronto, Borden refused to agree, feeling that it would not contribute to the success of the Prince's visit to that city ²

The Prime Minister was coming to assume the leadership of the Dominion in all but social matters In 1916 Bonar Law sent Borden some confidential documents which he said were for him alone and Borden cabled for permission to show them to Devonshire before destroying them ³ This was granted and after December, 1916, the Imperial Government decided to send a weekly letter on the progress of events for the Governor-General and Prime Minister only ⁴

In 1920 Borden retired on account of ill-health In accordance with the now well established custom, his successor was chosen by his colleagues They offered Mr White the post but after he refused he was, as a matter of form, offered the post again by Devonshire Eventually, after "interminable conferences" Mr. Arthur Meighen assumed the premiership, when the matter had been discussed with the Governor-General ⁵

When Devonshire left Canada, the position of the Governor-General was growing more and more exempt from newspaper criticism, and the confidence that the occupant of that office would always act on ministerial advice, except in the most extraordinary circumstances, was firmly rooted The next Governor-General, Lord Byng, was to prove how idle it is to prophesy He had no experience of government, but was a distinguished soldier He admitted his inadequate qualifications, when he arrived, and said that he supposed he would make mistakes ⁶ In point of fact, he

¹ R. L. Borden *Memoirs*, vol. II, p. 740

² *Ibid.*, p. 987

³ *Ibid.* pp. 624-5

⁴ *Ibid.*, p. 1002.

⁵ *Can. Annual Review*, 1921, p. 249

was not unsuccessful until, near the end of his term, the famous refusal of dissolution occurred

Byng came to Canada when the wise guidance of an experienced administrator as Governor-General was needed. The two-party system, which had been in operation since federation, was breaking down. When this happens a Governor's power and influence always tend to increase. For some years the Progressives or Farmers' party had been increasing in numbers, especially in the West, and up till 1915 steadily gained in strength, after which it broke up through lack of internal cohesion and its vagueness on policy beyond the interests of farmers. In the 1921 election no party secured a clear majority and the Progressives held the balance of power. On the sufferance of this party the Liberals assumed power under Mr Mackenzie King, the new leader of his party.

The 1925 election made affairs no better. The Conservatives secured 106 seats, the Liberals 101, the Progressives 24 and Labour and Independents 4. The Conservatives, under Mr Meighen, claimed that Mr Mackenzie King, who himself and several of his colleagues had lost their seats, should resign before the House met, but he carried on and when Parliament met he was sufficiently supported by the Progressives to continue precariously in office and managed to secure a seat. In the interim, benefiting by the Tupper-Aberdeen episode, he, like Laurier before him, had made no important appointments, and had incurred no unusual expenditure. It was later stated (but never proved) that Mr King and the Governor-General came to an agreement that, if the Government could not carry on, Lord Byng was to call on Mr Meighen to try to form a ministry.¹

Quite early in the session came an investigation into a customs scandal by a Special Committee of the House, which reported, towards the end of the session, that there was considerable corruption in the customs department. A vote of censure was moved in the House, and Mackenzie King, without waiting for the result, asked for a dissolution, which Byng refused, on the ground that the election of ten months previously had failed to clarify the position of the parties, and that all reasonable expedients should be tried before resorting to another election.²

¹ *The New Statesman* 12th March, 1927

² R. M. Dawson, *Constitutional Issues in Canada* p. 73

Apparently the Governor-General was not much influenced by the 1924 dissolution in Britain, and had, quite possibly, been reading Todd

In former days dissolutions had been glibly refused and indeed were often asked for without a hope of getting them, but Canada had not had a refusal of dissolution since Sir Edmund Head had refused to grant one to Brown, who had suffered defeat in the House immediately after forming a Government. And Head had warned him before offering him the premiership that he could not guarantee a dissolution.¹ The former Ministers returned. True, that there were frequent examples in the Dominions, and especially in Australia, the land of dissolutions, of refusals of dissolutions, the last in the Commonwealth itself occurring as recently as 1909. There was also an example in 1914 of a rather surprising grant of dissolution there. But Canadians felt that such a thing as a refusal of a dissolution could not happen in their country, even if the leader of the Opposition had more followers in the House than the Prime Minister, and though there was no fixed British or Dominion rule to guide him.

Byng's action was undoubtedly due to inexperience, for even a request from him, that King should await the verdict of the House, would have been regarded by the Prime Minister as undue interference. King recommended that the Governor-General should seek the advice of the Dominions Secretary, not as a sign of subservience to him, but as of one official asking the advice of another more experienced. For this he was later severely criticized. Byng refused his advice and also the alternative advice to ask the opinion of Borden, who was still alive.²

Professor Keith entered into the fray and announced that Byng had challenged effectively the doctrine of the equality of status of the Dominions and the United Kingdom, and had relegated Canada to the colonial status which they believed they had outgrown.³ That he could make such a statement, when Byng had acted without Imperial authority, and not in consideration of Imperial interests, is an illustration of how anger clouds the brightest intellects.

King resigned and Meighen was sent for. If he had been able

¹ J. Pope, *Day of Sir John Macdonald*, p. 58.

² *Can. Annual Review*, 1925-6, p. 72.

³ A. B. Keith *Letters on Imperial Relations 1916-1935*, p. 55.

to carry on, then Byng would have acted according to many colonial precedents, and with the full approval of constitutional lawyers in refusing the dissolution. But after two and a half days the Conservatives sustained a defeat in the House by one vote, the first such defeat in the Dominion's history. The reason was that the Progressives—who tentatively intended supporting the new Government but had not given any pledge, although it was afterwards asserted that they had,—turned against Meighen as a result of his "acting ministry."¹

The "acting ministry" was Meighen's solution of the difficulty caused by the necessity for a member of Parliament in Canada to resign when he assumes office, and to seek re-election. Meighen therefore, alone formally became a Minister and, so as to avoid further weakening of the Conservative forces in the House, or a delay if it was adjourned until the by-elections were over, seven Ministers were not sworn in, but were called merely "acting Ministers" and did not receive the salaries of their offices. It meant that the Government of the country was being carried on by a number of people who, although sworn as Canadian Privy Councillors, had not taken the oath as heads of their departments, and this was highly irregular, especially as they proceeded with the estimates.² Mackenzie King insisted:—

I say there is not a single member of this administration sitting in his seat to-night who is entitled to ask the House to vote him a single dollar.³

The defence of the Conservatives was that the Cabinet, as a body, was not known to the law but that the Privy Council was, and all members of the Government were Privy Councillors—all except one of them, previous to 1926.⁴ To which King said that, although they could advise the Governor-General, they could perform no executive act till they were sworn in as Ministers.⁵

After the defeat of the Government, Byng granted Meighen the dissolution which, a few days before, he had refused King. For this, unlike his refusal to King, there was no constitutional precedent. Liberals said that he should have requested Meighen's resignation and sent for King who would have again requested

¹ R. M. Dawson, *Constitutional Issues in Canada*, p. 85.

² *Ibid.*, pp. 79-81.

³ *Ibid.*, pp. 81 seq.

a dissolution. Then the election could have been carried on under the auspices of the Liberals. Apparently Meighen had given Byng the impression that he would be able to carry on without a dissolution, as the Progressives would support him, and in this connection King said —

I believe that His Excellency the Governor-General sincerely believed that the present Prime Minister would be able to carry on the Government of this country in a manner befitting and in accordance with the recognized principles of responsible government. If he is able to do that, then I say that His Excellency's judgment in the matter has been sound and right, and there is no criticism to offer.¹

In his election manifesto King justified his request for a dissolution and concluded —

In a word, the position I took was that in Canada, the relation of the Prime Minister to the Governor-General is the same in all essential respects as that of the Prime Minister to the King in Great Britain.²

Meighen's reply was to the effect that King's request for dissolution was the result of his cowardly desire to escape the censure of the House and that the constitutional issue was a smoke-screen.³ It is important to notice that Meighen did not try to defend the attitude of the Governor-General as constitutional.

In the election campaign the Governor-General came in for criticism from Liberals and French Nationalists, and others, and it was well that this affair occurred at the end of his term of office, which it did not prematurely close, as is sometimes thought, but actually led to its extension until the election was over. The appointment of Lord Willingdon, as successor to Byng, was announced on 8th June, and King's resignation did not take place until the 28th of the same month. He must have realized how distasteful his interference had been when King was returned with a large majority.

Although there is some justification for the view expressed in the *Toronto Globe*,⁴ that it was the political and not the constitutional aspect which concerned both parties, the effect on the country was profound, and the 1926 Conference, which otherwise would most likely have been quite uneventful, became a landmark in the history of the Empire and the great constitutional

¹ R. M. Dawson, *Constitutional Issues in Canada*, pp. 81 seq.

² *Ibid.*, p. 89.

³ *The Round Table*, September, 1926, p. 835.

conference. It speeded up, by perhaps many years, the formal acknowledgment of the equality of the Dominions and of Great Britain, and equated the relationship of Governor-General to Dominion Cabinet with that of the King to the Cabinet of Great Britain, without, however, attempting to define what that relationship was. Dominion statesmen had seen very clearly that it was not enough for the Governor to be appointed with their approval if he did not appreciate the limitation of his powers. And the people of the Dominions were becoming increasingly jealous of any power except that which resided in elected representatives of their own. Still, it would be rash to prophesy that a refusal of dissolution is now impossible, under all circumstances, in Canada.

On the whole Canada has been very fortunate in her Governors-General. Blake, in one of his darkest moods, after a period of dispute with Dufferin, might have seen the Governor's office, and the influence he wielded, in the same light as Bagehot saw the monarchy during the reign of a half-insane King —

There is in it a secret power which is always eager, which is generally obstinate, which is often wrong, which rules ministers more than they know themselves, which overpowers them much more than the public believe, which is irresponsible because it is inscrutable, which cannot be prevented because it cannot be seen.¹

But one is unable to study the relationship between Governor-General and Cabinet in Canada, without realizing that much of the Governor's interference was due to the weakness or inexperience of his Ministers, and was indeed often welcomed, and the fact that Canadian statesmen have outgrown the necessity for reliance on the Governor-General is more a tribute to their present maturity than a censure of his undue interference in earlier times.

¹ W. Bagehot, *The English Constitution*, p. 87

CHAPTER V

THE GOVERNOR-GENERAL AND THE COLONIAL CABINET—THE NON-POLITICAL SIDE

This rubber stamp

DE VALERA

Journal of the Parls of the Empire, vol x, p 686

The Governor-General, Lord Stonehaven, said that his office fulfilled a want and that he believed that *the Empire would continue only so long as that want remained*. The people welcomed him not because of any merit in himself but because the King had sent him and because he had been charged by the King with a personal message of encouragement to every individual in the country.

Sydney Morning Herald, 18th September, 1930

THE GOVERNOR GENERAL AND THE COLONIAL CABINET—THE NON POLITICAL SIDE

If to call the Governor General a 'rubber stamp' is an exaggeration without even the excuse of being poetic, in order to describe the political aspects of his relationship with his Cabinet, it is even less apt in the non political sphere

Take the most obvious example of a Governor General acting as the head of the Canadian Government—on an official visit to the United States. Most Governors have paid such official or semi official visits. But they cannot be said to have been undertaken at the behest of the Canadian Government. Certainly the initiative must have often come from the Governors themselves and on all occasions the success has depended on their willingness and ability to play the role, which has never been an easy one in its combination of political consequence with political impartiality.

Since 1926 such official visits have been far more important affairs from the ceremonial point of view, in keeping with the new status of the Governor General. Lord Willingdon paid an official visit in 1927 and Lord Tweedsmuir in 1937. Whereas on visits before 1926 the British Ambassador to the United States took precedence of the Governor General, since that date the former has waived his right to enable the Governor General to be received with the same honours as the King, and on each occasion his authority has been given extra territorial significance for the two or three days of the visit.

The arrangements for the tour have in each case been made by the Canadian Government, in consultation with the American Government, and with the consent of the King. The two Governments between them have arranged the plan of the tour and the *form of ceremonial*. Lord Willingdon stayed at the Canadian Legation, but Lord Tweedsmuir, whose visit took the form of a return call on President Roosevelt, who had visited him in the

previous summer, was a guest of the President at White House

In the past, visits by the Governor-General to the United States have on occasion served a useful purpose in helping to get a concrete political issue settled, as, for example, Lord Elgin's success in securing the Reciprocity Treaty, but with the passage of time the Governor General has come to know less and less of Cabinet business and Governors' visits have ceased to serve this purpose. In the case of Lord Tweedsmuir's visit, for example, Mr Mackenzie King had visited the President a few days previously and had doubtless discussed any outstanding problems. Not only within the Dominion, but also as its representative on a visit to its neighbour, the Governor officially, has no political views. This has been easier to insist on since 1926 because to the United States, as to Canada, the Governor has no longer represented the British Government, and on the occasion of the official visits since then his non political character has been stressed in the press. But, as Mr Roosevelt himself said, although there could be no official talks, he and the Governor General could sit on a sofa and soliloquize and each could not help overhearing the other.¹

The most important results of the Governor-General's visits since 1926 have not been to secure with the President or Congress men some immediate end. His chief tasks have been to establish a good feeling between the two countries and, by his regal reception, to impress on the minds of American politicians, journalists and people, that Canada has achieved a new status. Hence the importance of a quite superficial speech to both Houses of Congress and quite trivial remarks made to a press conference by Lord Tweedsmuir. The visits have secured a fairly good press, and some sub-leaders. Of course, everything that increases the importance of Canada in the eyes of America redounds to the greater glory of her Prime Minister and his colleagues who have undoubtedly fully appreciated this consequence of the visits of the Governor-General, just as the Royal visit of May, 1939, was made to prove very useful to the same end. But even to do this service to Canada and her Prime Minister, the Governor General requires attributes, if not of statesmanship, at least of charm and poise beyond the powers of a mere puppet.

Outside the question of official visits to the United States, the

¹ *New York Times* 1st April 1937

Governor is less controlled by his Cabinet. When he plans tours of the Dominion itself, the suggestions on time and place are as likely to come from himself, as from the Cabinet, and all the arrangements, including invitations to speak at various functions, are made by his own staff.

The Dominion's first two Governors did not travel very widely. Sir John Young had to his credit only a ten days' tour of Manitoba. The press disapproved of sedentary Governors, who, to them, seemed to be using Canada as a 'preserve to better their fortunes'.¹ If Queen Victoria put a strain on the loyalty of many by going into prolonged retirement, the Governor General, her pale image, could not expect his seclusion to be taken as a matter of course, nor could he, any more than she could, expect that the public would be satisfied with the knowledge that he was nevertheless working hard for the welfare of the state. This Dufferin understood and since his time it has been the tradition for Governors to travel widely throughout the Dominion and most Governors, since the railways have been completed, have made two tours of the Dominion during their administration.

The Governor General has two coaches set aside for him and travels only with his staff, family and any guests he might choose to invite. Earlier Governors were not quite so fortunate and Dufferin complained about some Americans who were apparently thrust upon him by the Government. He wrote to Macdonald —

I am quite convinced that if you desire me to maintain that dignity and reserve upon which the prestige of representation so much depends you must allow me to choose my companions when on my travels.²

Although Dufferin was very keen that the Governor General should possess a steamer of his own, neither he nor his successors have ever achieved one. Dufferin said, with unconscious humour, that a steamer was "an appendage absolutely necessary to my station" and would cost £3,000, which was more than it was desirable to pay out of his own expenses.³ His failure to induce the Government to supply a steamer did not deter him from pressing for a man of war when he paid his official visit to British Columbia. He persuaded his Cabinet to request the Colonial

¹ Hamilton, *Evening Times* 9th October, 1876.

² J. Pope *Correspondence* pp. 172-3.

³ *Ibid.* p. 173.

side or the other. When, therefore, he was told that some people had erected an arch bearing the words, "Carnarvon Terms or Separation" on his route, he refused to pass under it unless the last word was changed to "Reparation." When they would not agree he went by another route¹ but, on the following day, on a private outing passed under it and bowed to those who had erected it, which brought them to Government House to explain that they had not meant by it to be disrespectful to the Governor-General or the Queen.²

The tours of the Governor-General in the Dominion have had another definite result. The Governor-General in Canada has never been, like the South African Governor-General until 1931, the High Commissioner of the natives, but the Canadian Governor-General has always visited the Red Indians, and generally showed a keen interest in them. After such a visit the Governor has always been keen to put the Red Indian point of view before the Cabinet and in this way has certainly again served one of the noblest functions of his office in creating a conscience about the aboriginal population. Speeches have served the same purpose with the people. Minto has left a record of a visit to many Indian reserves, where he went beyond giving polite ear to complaints and expressed his own opinions. He was distressed at Laurier's indifference to the Indians and in his Journal wrote, in connection with the desire of the Indians to continue their old folk dancing —

The ridiculous wish to cut it down root and branch on the part of narrow minded authorities makes me sick, and I said plainly that I saw no harm in it, and was in no way opposed to it. I suppose I shall be reported, as usual, as in violent opposition to my Ministers. I don't care a damn, as I am convinced all reasonable people who know the Indians agree with me, and I believe my speaking out occasionally does much good.³

Who pays for these tours and other incidental expenses? At first they had to be paid for out of the Governor-General's salary, which was an enormous drain, if the Governor-General travelled any distance, necessarily with staff, and generally purely for duty. Dufferin objected strongly to this. After a year during which he travelled widely, entertained lavishly, and had taken possession of

¹ C.O. 42/744 11325

² G.D. 6/30 Dufferin to Carnarvon, 8th October 1876

³ J. Buchan, *Lord Minto*, p. 177

Canada provides excellent concrete examples of the type of service in the non-political sphere which the Governor-General can render. Dufferin was responsible for preventing the people of Quebec, whom he characterized as "pettifogging shopkeepers,"¹ from demolishing their fortifications and rebuilding Quebec on the American pattern, and he won over the Cabinet from supine indifference to interest and contribution towards the retention of the old fortifications. He also induced the Colonial Office to contribute and the Queen to give a gateway as a mark of interest in the scheme, which combined retention of the old fortifications with certain necessary modifications.

Minto stopped an Order-in Council for building a road across the plains of Abraham, which he pleaded should be saved from vandalism² and Grey originated the idea of having a Battlefields Commission to save the plains as a National Park. For this Laurier gave him full credit.³ The fact that he, as a politically neutral person could use this occasion as a unifying force in Canada, whereas it could have been made to serve as cheap political propaganda if carelessly handled by politicians, shows the advantage of having such an exalted person in the Dominion, above party strife.

A royal visit is of particular interest to the Governor-General and he plays a large part in making the arrangements. Unlike the visit in 1939 of the King and Queen to Canada, for which the Canadian Government appears to have been enthusiastic, when the Duke and Duchess of York visited Canada in 1901 the Cabinet was so apathetic that Minto, to stir them up, suggested that he should cable to England that it would be a good idea if the visit was put off. This had the desired effect, and the visit, largely arranged by Minto, who had to put up a stiff fight to secure adequate relaxation for the Royal visitors, was a great success.⁴

Minto had one unpleasant experience with his Cabinet over the death of Queen Victoria. He desired an official Church of England memorial service, and Laurier agreed, but afterwards, under the influence of certain other Roman Catholics, refused to attend, on the ground that there was no state church in Canada. Some prominent Roman Catholics attended the Anglican service,

¹ G.D. 6/27. Dufferin to Carnarvon, 2nd October, 1874.

² *Can. Annual Review* 1904 p. 371.

³ *Can. H.C. Debates* 3rd May 1910.

⁴ J. Buchan *Lord Minto* pp. 184-6.

nevertheless, though one was simultaneously held in the Roman Catholic Church. Some of the Government newspapers accused Minto of having acted without his Government, and of trying to force a state church on Canada. Thereupon Minto issued a formal contradiction to the press,¹ which must have taught them and others, of the type who enjoy criticizing a man who is unable to defend himself, a lesson.

The Governor who will be most successful in his non political relations with his Cabinet will always be one who has succeeded in merging himself in the life of the Dominion so that he stands for what is best in the life of the country and is an inspiration for further effort. It was chiefly here that earlier Governors failed. They felt that they were strangers in the land, making a temporary and enforced sojourn. So even Lansdowne, on his appointment, said that his heart failed him when he thought of going,² and many made the most explicit references to their "exile." Dufferin repeatedly referred to the wretchedness of exile. Take a typical statement of his —

CHAPTER VI

THE GOVERNOR-GENERAL AND PRESS, PARLIAMENT, AND PEOPLE

Words of approbation which he may be pleased to utter are recorded as oracles, and sacrificial banquets are offered to him

Goldwin Smith, *Canada and the Canadian Question* p. 154

paying him annually \$50 000 of our money we have the right to tell him that he governs badly, when, in fact he does so

La Minerve quoted in *Montreal Herald*, 19th April, 1879

CHAPTER VI

THE GOVERNOR-GENERAL AND PRESS, PARLIAMENT, AND PEOPLE

Since Elgin's time Canada has seen very little blatant partiality on the part of her Governors General and, though most of them have been openly interested in politics before and after assuming office, there has been far less interference with policy by Governors, as a result of political bias, than by the Crown in Great Britain. This in spite of the legend of the Crown's impartiality. And yet, largely because around the Governor-Generalship there has not grown up a halo of semi divinity, Governors have been violently accused of partisanship as no recent monarch in his life time. Few Governors, before the office was itself filled by a member of the Royal Family, in the person of the Duke of Connaught, escaped fierce personal criticism from press, Parliament, or people.

Criticism of the office itself was rarer and, apart from Goldwin Smith's famous attack on it, nothing much was said about the Governor-Generalship until personal criticism came to be regarded as bad form. But personal criticism in the early days was so fierce and so consistent that the Canadian press, especially, seems to have taken as its motto a parody of the famous saying of the Abbe Sieyes and to have concluded that the Governor-General was superfluous when he agreed with, and mischievous when he dissented from his Cabinet. One may wonder how many Governors must have thought bitterly of the advice given by a Colonial Secretary to a Governor, to the effect that he should never be thin skinned about an abusive press and should always treat editors and writers with consideration.¹

The press also often saw fit to offer advice to a Governor, on his assumption of office and, in times of crisis, the newspapers of the party which hoped to benefit by it would exhort, nay, try to intimidate the Governor-General into taking an active part on

¹ A. Todd, *Parliamentary Govt. in the Colonies* p. 805

their behalf, while the papers of the other party would remind him repeatedly of his constitutional obligation of strict impartiality. This was not, of course, a purely Canadian idiosyncrasy, as the attitude of the British press in 1909 and after showed, but the Canadian newspapers used cruder language by far. The criticisms of the Governor-General, too, from one side or the other, after he had acted, or while his decision was pending, had no counterpart in Great Britain. How much this was due to greater British restraint, and how much to the influence of the Crown on the press—an obscure but important fact—is outside the scope of this book.

The Governor-General has never held press conferences in Canada after the American model but individual journalists have had access to him and these it has occasionally been possible to influence, as the following story shows. When Dufferin returned from his visit to British Columbia he was welcomed at the station at Ottawa and made an impromptu, and rather incautious speech, which could be construed as criticism of the Government. Apparently only one reporter had a verbatim copy of the speech. He immediately called on the Governor-General hoping, doubtless, to get a "scoop." Dufferin, pretending to be interested in his system of shorthand, got hold of the copy of his speech and refused to return it, saying that he would talk to the reporter at lunch on the following day, to which he invited him. Needless to say, when the speech was reported in the press, it was perfectly innocuous.¹

Newspapers were quite liable to change their tone to a Governor. The Liberal press was extremely bitter against Dufferin while the Conservatives were in power, but when Mackenzie took office, Liberal newspapers were almost lyrical in praise of Dufferin's visit to British Columbia, and especially over his speech at Victoria.²

There is an example in Canada of a direct attempt to influence a Governor-General by forcing newspaper criticism of the Government upon him. This was provided by Mr. Huntington, the Opposition member who was responsible for starting the investigation into the Canadian Pacific Railway scandal. He sent Dufferin, on one occasion when fresh incriminating evidence

was published, a collection of press cuttings. The package was returned unopened.

At least two Governors in Canada have taken the press to task. When the Canadian press kept on advising Dufferin how to act over the scandal, and even went further and described what his attitude was alleged to be and where his sympathies were supposed to lie, and then criticized him for what they themselves had concocted, and advised him what he should tell the Colonial Secretary, he was intensely annoyed. He wrote to Kimberley, the Colonial Secretary, that he recognized no authority on the Canadian side of the Atlantic competent to instruct him on his correspondence with the Colonial Secretary,¹ and then put the press in its place in a speech at Halifax. He said —

there is no human being who is authorized to make any statement or suggestion as to what my opinion or sentiments may be in respect of any political topic.²

The Duke of Connaught expressed disapproval of the Canadian press on the more general question of style and appealed to newspapers to use dignified English and not a near-American journalese.³

An undoubted factor in the violence of the criticism to which the Governor-General was subject was that the parties had fewer traditions of self-government. Unlike in Great Britain, the politicians of rival parties were extremely bitter about each other even in private life. Principles counted for less than they might and both parties, when in Opposition, had a tendency to forget their enthusiasm for responsible government and to urge an appeal to the Colonial Office, as soon as the Government adopted a policy of which they disapproved. The press reflected this attitude and not only did the Governor-General become anathema if he insisted on maintaining his constitutional position, but anybody who stood in the way of their ambitions was not spared. To quote Dufferin again —

There is scarcely an eminent man in the country, on either side whose character and integrity have not been, at one time or another, the subject of reckless attacks by his opponents in the press.⁴

¹ CO 42/719 9/80

² G. Stewart, *Canals under the Admin. of the Earl of Dufferin*, pp. 123-4

³ *Can. A. and Revue* 1911 p. 623

⁴ CO 42/719 9/80

Naturally, under these circumstances the Governor General could not hope to escape, and the criticism levelled at him should always be remembered against this background. It would be unreasonable to expect the traditions and restraints of self-government to spring Minerva like to full maturity in Canada when the system in England was the result of such a laborious process. Only twenty five years before federation in Canada, so little were the principles of responsible government understood, that in Nova Scotia some Government Bills were defeated and this was promptly followed by a vote of confidence, passed by a large majority, in the Government as then administered.¹

Even much later it was possible, as in South Africa, for a judge who had left politics for the Bench to return to active political life. And even party labels were often misleading. The Conservatives were really the Liberal Conservatives according to their own naming, and many of the French Liberals had not the outlook normally associated with that name, but were strongly traditionalist.

Generally the criticism was crude and even coarse but at times it took a queer inverted form and, after the fashion of Tacitus, praised the opposite of what it sought to blame. There can be little doubt that Goldwin Smith's praise of Lisgar comes into this category, and was, in fact, a censure of Dufferin. He wrote —

He did not go on the stump — or use his high station to propagate his own opinions. His hospitality — had no ulterior object, and as an example could do nothing but good. When he spoke his words were those of sobriety and truth — nor did he ever court applause by indulging in the unmeasured flattery which is at once most seductive and most poisonous to a young nation.²

Another way of castigating a Governor was to remove his name from the roll of various societies which had appointed him an honorary official. This happened to Elgin when he gave assent to the Rebellion Losses Bill.³ Serious as it might have seemed to the societies involved, such a step would not be likely to cause a Governor much heartburning. Canadian Governors have not been given to writing autobiographies or we might know of many a strange 'honour' bestowed on them, parallel with the election

¹ W. P. Morrell *Col. Policy of Peel and Russell* pp. 73-4

² *Contemporary Review* September 1881

³ J. Pope *Days of Sir John Macdonald*, p. 24

on one occasion of the South African Governor-General to be *one* of the honorary vice-presidents of a football club in a small village.¹ Removal from such a position could scarcely be expected to assume the importance in the eyes of the Governor that those responsible for it might desire.

When we investigate the causes and occasions of pressure being brought to bear on the Governor, or of vigorous criticism of him, we note a variety of circumstances. They range from disapproval of a Governor, on this occasion Lansdowne, for speaking of the distinguished career of Tupper, as a Nova Scotian, when on a visit to that province, which speech was characterized as political, to the hostile expression of the opinion that when Grey went to Newfoundland he was trying to force confederation on the island and when he went to the United States was aiming at bringing about reciprocity. But by far the chief reason for criticism by the Opposition press has been the Governor's refusal to act on their advice. A considerable volume could be produced, consisting only of newspaper extracts on this theme, under the title, "*A Study in Invective.*" The most notorious example is provided by Elgin, against whom the press used such violent abuse—he was even accused of being insane²—that the people of Montreal assaulted him physically. Bagot before him had suffered, though less violently, from press abuse for the same reason, and much later Dufferin, in days when it could be hoped that the principles of responsible government were beginning to be generally understood, suffered, at the hands of newspapers, attempts at intimidation before the famous prorogation of 13th August and merciless criticism afterwards. Witness a typical remark of the *Toronto Globe* before the event —

We cannot believe that anyone worthy of the name of nobleman or representative of the British Sovereign will thus stand between guilty men and their just and appropriate punishment.³

And once Parliament had been prorogued, the Governor-General had to read of himself as King John and Charles I, while the Prime Minister was compared with Buckingham and he and the Governor-General were said to be guilty of the same crime as their prototypes in interfering with the proceeding and privilege

¹ Buxton *General Buxton* p. 216

² G. M. Wrong *The Earl of Elgin*, p. 34

³ 18th July, 1873

of debate. At the same time Dufferin was characterized as having no mind of his own.

When it is remembered that the petition of the Opposition, asking that the House should not be prorogued, was not presented to him until the day appointed for the prorogation, and that he had received them courteously, and had explained to them why he could not act on their advice, and had even promised that the House should reassemble as soon as possible, it seems that he might have expected to receive some of the same courtesy in exchange.

In 1888 Stanley, as Governor General, gave petitioners much shorter shrift and was criticized to nothing like the same degree. The explanation is probably to be found in the fact that fewer people were interested in the issue, which was not such a vital one, rather than an indication that the Canadian press was learning much greater restraint. The circumstance was the passing in 1888 of the Jesuits' Estates Act by the Quebec legislature, awarding \$400,000 compensation, to be divided among the Jesuits, the church authorities and Laval University, in proportions to be decided by the Pope, for Jesuit lands which had reverted to the Crown after the Order had been temporarily suppressed in 1773.

At the same time the Quebec legislature voted \$60,000 for Protestant schools and the Protestants of Quebec seemed not dissatisfied, but those of Ontario objected, especially to the authority given to the Pope, and a resolution in the House of Commons, supported by only thirteen votes, called on the Governor General in Council to disallow the Act. Various petitions from a number of Protestant bodies were also sent to the Governor-General. Macdonald was opposed to disallowance as undue interference in provincial affairs—the convention had come to be established that the Dominion Government should only disallow Acts which were clearly *ultra vires*¹—and advised Stanley accordingly. Unlike Dufferin, who had given reasons for his act, Stanley said —

There is no disrespect to those who have so ably stated their views, if I express neither concurrence with nor dissent from them, lest I should drop into what might be construed as argument, however unintentionally.²

Stanley was undoubtedly wise because a bland refusal of this

¹ See however, *ante*, p. 81.

² A. B. Keith, *Select Docs. on Br. Col. Policy*, vol. II, p. 85.

sort is much harder to meet with insult than the most diplomatic refusal, accompanied by the best of reasons

Just as some Governors were criticized for refusing to take the advice of the Opposition, so others, more justifiably from a constitutional point of view, though not as regards choice of language, were strongly reprovéd for taking that advice, or showing leanings to the opinions of the Opposition. Metcalfe was the most blatant example of this failing and earned a variety of nicknames, among which ranged "Charles the Simple" and "Old Square Toes," together with others even less complimentary, and, what was quite unforgivable, personal remarks were made about the cancer from which he was suffering.¹ After Sir Edmund Head refused a dissolution to Brown, the *Globe*, Brown's paper, descended to an almost incredible level. With some justice, because of Head's great friendship with Macdonald, and his personal dislike of Brown, the *Globe* accused Head of favouring Macdonald and then, quite without foundation, accused the Governor-General of conspiring against Brown, while he was Prime Minister, with Macdonald, showing that a real danger lies in too great an intimacy between Governor General and Prime Minister, in view of the possible loss of office by the latter. But not content with that, the *Globe* ridiculed Head's poverty of earlier days and even discussed his relations with his wife.²

Sometimes a Governor might feel that he could do definite good by getting into contact with the Opposition, with the knowledge and consent of the Government. Monck's successful efforts to get a number of Liberals to join the Cabinet before federation bears this out, but, as even in Great Britain,³ Governments have distrusted the possibilities of a contact of this sort with the Opposition. Thus in 1873, when Dufferin offered to act as a go-between for the Government and Opposition over the question of the prorogation of 13th August, Macdonald would not agree to it. So strong had the tradition of the Governor's interest only in his Cabinet grown by 1917 that when Borden held a meeting with the Opposition leader, Laurier, at Government House and under the auspices of Devonshire, who was specially invited to be present, the Governor-General apparently made no efforts to influence Laurier. In Canada a Governor did not even, as in

¹ J. Pope, *Memoirs*, p. 37

² See ante pp. 7-8

³ Toronto *Mail* / 23th July, 1873

South Africa, regard the Chief Justice as a stand-by in times of difficult decision.¹

Indeed, since 1867 there has been very little occasion for criticism of the Governor-General for leanings to the Opposition. Lord Lorne was accused of this over the Letellier affair, and even after Macdonald had been forced to admit that he had recommended the reference to the Colonial Office, and others had pleaded that Lorne, being so near the Royal House, should be spared somewhat, *La Minerve* continued to blame him pretty freely and said that he had come to Canada not as a son-in-law, or as a husband, but as a Governor, whom they were entitled to criticize, seeing that they paid his salary.² Previously they had even gone so far as to call him a pirate.³

Aberdeen's refusal to approve many of Tupper's appointments gave an excellent excuse to those organs of the press, whose party suffered thereby, to accuse the Governor in very bitter language, of having been actuated by partisan motives. Thirty years later, when Byng refused a dissolution to Mackenzie King, the press had so far improved that it spared the Governor all personal criticism, even in the height of the election which followed. Either the criticism fell on Mr. Meighen or on the Imperial Government, to whose edicts Byng was alleged to have been obedient in coming to his decision. Bourassa's words express this trend:—

Beware of to-morrow. If you allow a Governor-General, a subaltern of the British Government, to accord and refuse dissolution as he well likes, and he decides which party shall be in and which out, ... take up to find that Downing Street will be the stage in Canada's political matters.⁴

The Canadian Parliament has never moved a formal vote of censure on the Governor-General, though some Speakers have permitted remarks which have come near enough to it.⁵ Unlike the Irish Free State practice, too, which was for speeches against the office, on the ground of its expense, to be made an unfavourable feature of every budget, in Canada there has generally been no such comment. One of the first acts, nevertheless, of the

¹ E. A. Walker, *Lord de Villiers and his Times*, p. 493, and Buxton, *General Botha*, p. 221.

² Quoted in the *Montreal Herald*, 19th April, 1879.

³ Quoted in the *Quebec Morning Chronicle*, 5th April, 1879.

⁴ *The Round Table*, September, 1926, p. 834.

⁵ See *ante*, pp. 169-171.

Dominion Parliament was to reduce the Governor General's salary, and when the Imperial Government refused to allow it to become law, the Canadian House of Commons passed a resolution by a large majority that it had the undoubted right to do so. Having thus saved its face, it continued to do so. The Imperial Government desired the amendment to be fixed at that. Members accused the Government of having "trampled on their rights" and of having gone beyond his powers in reserving and General's warrants was class. Objection was also expressed in the Commons in 1891 by the salary of the Governor General. The House clearly would the cost of the office at \$225,000, the Government, and not on the amount spent on improvements. If it would be equally clear member, in the same debate, by the Governor General as on other occasions, has been praised.

Governor General's salary
 Governor General's secretaries
 Office salaries
 Printing and stationery
 Sundries
 Expenses connected with
 Fuel and light
 Repairs to Governor General's
 Additional repairs

When Dufferin came to the Government, Dufferin was unfairly treated by his Ministers. He was the only one to the Government advising the Government, while others complained. He was like a boy hiding behind a bigger boy, saying himself from Banquo's murder, "I did it."

of the sentence on Shortis also
 down on the head of the Government
 Travelling expenses

Mixed up with this rare personal intervention of the Governor-General, there is to be seen the Cabinet for refusing to shoulder the expense, as an Englishman, some blamed Lorne for the reference to the would be cheaper, some blamed Lorne for the reference to the aristocrat tended to be, as a whole, stated that Macdonald was because it seemed more in keeping.

H.C. Debates 27th August 1891
 See ante pp 83-5

Hawthorne 26th January 1875

Can. H.C. Debates 30th January, 1875

Can. H.C. Debates 87

the British Monarchy 2nd January 1896.
 at £650,000 p.a. for the H.C. Debates 29th January, 1896.

STUDIES IN THE EVOLUTION OF DOMINION STATUS

South Africa some of his fears were justified, though the Irish involved difficult decisions, but two Irish Nationalists, O'Brien and

Indeed, since he came to Canada to stir up feeling against Lansdowne's criticism of the Government, "him out of Canada." Some Canadians Lord Lorne was accused of disturbances and made it impossible for the after Macdonald had been break up Lansdowne's meetings, and mended the reference to the Government with their lives.¹ This was at once that Lorne, being so near to popularity and an indication that somewhat, *La Minerve* continued of Franco-English disputes without said that he had come to Canada as well

husband, but as a Governor, what the surface might appear to be seeing that they paid his salary.² Several has really been against his so far as to call him a pirate.³ Questions in Parliament on speeches

Aberdeen's refusal to approve may belong to this category, because gave an excellent excuse to those organs to embarrass the Government suffered thereby, to accuse the Government that either they assume responsibility of having been actuated by partisanship, incited, or repudiate it. Over when Byng refused a dissolution the same type of criticism is had so far improved that it spared all in the use of these warrants by criticism, even in the height of the election, they are voted by Parliament, the criticism fell on Mr. Meighen. "Can we forms the decorous ment, to whose edicts Byng was alienated national politician,"⁴ to quote coming to his decision. Bourassa's view of Crown Colony government

Beware of to-morrow. If you allow a Government to be thus
the British Government, to accord and refuse proved.⁵

and he decides which party shall be in and be observed, the Governor,
up to find that Downing Street will be the defendants until Parliament has
matters.⁶

The Canadian Parliament has never met. As have said that it would censure on the Governor General, though in conjunction with his advisers than permitted remarks which have come near to which induced Aberdeen the Irish Free State practice, too, which was after was spending large the office, on the ground of its expense, to be refusals of dissolution feature of every budget, in Canada there has yet failed to pass, and such comment. One of the first acts, never for granting a dis

¹ E. A. Walker *Lord de Villiers and his Times* p. 493 and Barrow, p. 221

² Quoted in the *Montreal Herald*, 19th April, 1879

³ Quoted in the *Quebec Morning Chronicle*, 6th April, 1879

⁴ *The Round Table* September 1976, p. 834

⁵ See ante pp. 169-171

reluctantly sanctioned the amount that had been spent in the meanwhile. But, for all that, Parliament cannot avoid such retrospective agreement and the amount of control which the Governor could exercise over warrants was very limited even before 1926, and since then, presumably, none at all. The system itself should be given up and other strictly-controlled methods of securing advances, such as exists already in some Dominion and state constitutions, should be substituted.

Objection to the free use of Governor General's warrants was made in the Canadian House of Commons in 1891 by the Opposition member Cartwright. He pointed out that in the past eleven months \$1 500,000 had been spent in this way, and there was no excuse of exceptional circumstances to justify the issue of no less than eighty seven warrants.¹ The House clearly would understand this as a stricture on the Government, and not on the Governor General but it is doubtful if it would be equally clear to the general public.

The Governor-General, on other occasions has been praised as a means of criticizing the Government. When Dufferin commuted Lepine's sentence on his own responsibility,² Dufferin was spoken of as one who had been unfairly treated by his Ministers. One paper said that it amounted to the Government advising the Governor General not to be advised by them,³ while others compared the Cabinet with a timid boy hiding behind a bigger boy, or even with Macbeth, exculpating himself from Banquo's murder by the statement, "Thou canst not say I did it."⁴

Aberdeen's commutation of the sentence on Shortis⁵ also brought the chief criticism down on the head of the Government. Although the press announced that it was clear that Shortis had been pardoned through the personal intervention of the Governor General,⁶ they blamed the Cabinet for refusing to shoulder the responsibility, as did the Opposition in Parliament.⁷

While some papers blamed Lorne for the reference to the Colonial Office over Letellier, others defended him warmly, and the Opposition press, as a whole, stated that Macdonald was

¹ Can. H.C. Debates, 27th August 1891.

² See ante pp. 83-5.

³ *Ottawa Citizen*, 26th January 1875.

⁴ *Hamilton Spectator*, 30th January 1875.

⁵ See ante p. 57.

⁶ *Toronto Mail and Empire*, 2nd January 1896.

⁷ Can. H.C. Debates, 29th January 1896.

acting unconstitutionally by remaining in office after his advice had been refused by the Governor General, which argument was countered in Government papers by the statement that the reference home did not imply refusal of advice (This was all before Macdonald admitted his responsibility) The *Toronto Globe* guessed correctly when it stated that Macdonald

takes refuge under the wing of the Governor, whom he puts in the unpleasant position of resisting the demands of his Cabinet and a large majority of the House of Commons.¹

Genuine praise of the Governor General has often been the result of social work, in which earlier Governors showed far less interest than later Lord and Lady Minto devoted a good deal of energy to promoting the foundation and upkeep of remote cottage hospitals, as did their successors, Lord and Lady Grey, who were also interested in hospitals for tuberculosis The Connaughts were much occupied with war work In this sphere the Governor-General's wife, by tradition, counts for more than he himself does

Less obtrusive, but none the less important work, such as the foundation, through the influence of Lord Lorne and Princess Louise, of the Canadian Academy of Arts in 1880, and of the Royal Society of Literature and Science in 1882 (both of which are still flourishing), or Minto's successful efforts to have the Canadian archives properly stored and attended to, have appealed less to the imagination of the general public

On all occasions, the ability to make charming speeches has perhaps done more than anything else to win the Governor popularity and praise Dufferin's enormous popularity with the people at large, which was often in vivid contrast with his relations with his Cabinet, was chiefly due to his speeches One writer has said, with considerable justification, that the two objects Dufferin kept constantly in view were the approbation of the public and the approval of the Imperial Government.² To him it seemed that Dufferin "suffocated the people with flattery"³ He certainly made the most eulogistic references in public to Canada and the Canadians—always "my" Canadians—but also, out of a pure

¹ 4 h April, 1879

² J. E. Collins, *Canada under the Admin. of Lord Lorne* p. 73

³ *Ibid.*, p. 74

sense of duty, as well as perhaps through a half-conscious malicious streak which found satisfaction in the power it gave him over people he thoroughly disliked, he most consistently flattered the Americans in all speeches made on their soil. If Macdonald¹ and Goldwin Smith² resented this characteristic of the Governor-General and an occasional writer protested against "this running at the mouth" in a country which already had a tendency to "an epidemic of speech,"³ the public lapped up the praise and so astute and well balanced a statesman as Laurier thought that it did them good.⁴ On one occasion Dufferin supplied a concrete example of using his powers of blarney for the public good. This was in 1875 over the question of Joseph Guibord, who was an excommunicated Roman Catholic who had been refused burial by the Church in their cemetery on his death in 1869. An appeal to the Privy Council had upheld his right to be buried there, and this was accordingly carried out in October, 1875. The Canadian police force was very inadequate and it seemed likely that the priests would incite the people to riot and prevent the funeral. Dufferin accordingly sent his own secretary to Montreal to tell the priests that the Governor-General had seen the Queen (he had just returned from a holiday in England), who had evinced the greatest concern in regard to the attitude of her French subjects in Montreal, and that she was certain that she could rely upon their loyalty to prevent insurrection. The priests were so moved that they ordered their people to stay indoors on the day of the funeral, and although nine hundred men were on duty by way of precaution—an insufficient number to prevent a determined riot—there proved to be no need for their services.⁵

The Governor who out-topped all others in the amount of praise he bestowed, especially on Canada, was Grey, less, it seems, as a result of the desire to flatter than an almost pathological exuberance which lit him up and at times destroyed all sense of proportion. He loved Canada quite sincerely and was one of the very few Governors who were not privately often harping on his "exile." But, according to Borden, his praise of the places

¹ See ante p. 141.

² See ante p. 204.

³ J. E. Collins *Life and Times of Sir John Macdonald* p. 393.

⁴ See ante p. 143.

⁵ G.D. 6/28. Dufferin to Carnarvon, 19th November 1875.

he visited was so fervent that there was competition to secure visits from him, so that extracts of his speeches could be used for advertising purposes.¹ One example of his style must suffice. On a visit to Hudson Bay he described it as "The Mediterranean of Canada."

A rather cynical summary of his Governorship has been given by an anonymous ex-Governor. He stresses, as the primary obligation upon him, the flattery of those he governs. The country must be described as —

*the finest in the world, its climate the most salubrious, its scenery the most magnificent, and last but not least, its people the most ineffably superior and sublime.*²

But it would be a mistake to picture a continuous stream of Governors, pandering to the public and playing to the gallery. Again and again a Governor has pleaded for cessation of racial and religious strife, or the better treatment of the Red Indians, or the preservation of wild life, as well as making glib exhortations to women to have larger families or giving melodramatic warnings against Bolshevism.

The ex Governor whom we have already quoted, stated that a Governor should not be too democratic.

*If there is one natural trait (he wrote) that the Colonies have inherited from the old country, it is snobbishness.*³

As far as the self-conscious and upstart "Society" of a Dominion is concerned, there is an element of truth in this, but it does not apply as completely to the great mass of the people. There is also a sense in which the Governor may be said to be more aristocratic than the Royal family. But it would be possible to overstress this. If Queen Victoria was thoroughly middle class in her ideals, the etiquette surrounding her was so stiff that on one occasion Lord Randolph Churchill spoke to her at a dinner at the Palace on the day he resigned, without feeling free to acquaint her with the fact.⁴

Etiquette can never be so formal in a Dominion and increasingly the Governor-General and his wife have come to be appreciated

¹ *Memoirs* vol. 1, p. 175.

² *National Review*, July 1890. Art. on *His Excellency the Governor*.

³ F. M. Hardie, *The Political Influence of Queen Victoria*, pp. 125-6.

in proportion to their approachableness. Even if by no means democratic, Dufferin was no upholder of snobbery and laid down the rule —

provided a Governor-General is perfectly unassuming in his *personal* bearing, he cannot discharge his purely representative functions with too much stateliness.¹

Whenever a Governor has attempted to get into actual contact with people on tours, the importance of which for a Governor's popularity is enormous, and has let them freely state their grievances to him, giving a sympathetic audience, but offering no comment, as did Dufferin, Minto, and Grey, he has earned considerable appreciation and has not been accused of lowering his office. The public cherishes the news that a Governor has stopped a runaway horse or has helped to rescue bodies when the breaking of the ice has led to a serious skating accident. A Governor has to know how to strike a happy medium. No Governor has been known to go into the street in his shirt sleeves to buy a paper, as Abraham Lincoln is reputed to have done during his presidency. The public would disapprove if he did, for the Governor is essentially not of the people and, occupying, as he does, a largely ornamental office, can never really dispense with its trappings.

Among the French Canadians a fluent command of French has always been a necessary attribute of a successful Governor, and, of course, a respect for them as a people. Although they have at times spoken of secession they are, probably, as a body, more keen on remaining within the Empire than any other section of Canada, and use the threat of secession chiefly to draw attention to their needs. Elgin started the practice of reading the Speech from the Throne in both languages, and with the exception of Head, who earned considerable unpopularity through his alleged belief that the French were an inferior race,² Governors have shown the most scrupulous regard for French susceptibilities.

The value of entertaining has been constantly stressed by Governors. Monck himself, whom a later press quoted as an example of one who lost his popularity because he gave too few and too poor dinners,³ stressed the importance of entertaining,

¹ G D 6/29 Dufferin to Cameron, 27th July, 1876

² J Pope, *Day of Sir John Macdonald*, p. 40

³ *Toronto Globe* 28th July 1873

at the time when a reduction of salary was suggested. He said that the omission of hospitality would

entail more unpopularity and interfere to a greater degree with his means of general usefulness than perhaps would attend the neglect of graver obligations.¹

This was special pleading and there is more truth, I believe, in the ex Governor's view that

No amount of champagne, good dinners, smart aides-de-camp will atone for one administrative blunder.²

An administrative blunder would be of interest, and perhaps consequence to the whole nation, but the number of people affected by Government House entertainments is small, and the entertainments are quite likely boring to the most vital members of it.

It was Dufferin who introduced the custom of lavish entertainments. His predecessors had entertained on nothing like the same scale and on his appointment the Canadian press exhorted him to "repair the shortcomings of his predecessors in sumptuary matters."³ He took their advice with a vengeance and one writer's description of Dufferin's administration is —

A constant succession of dinner parties, receptions, dances, and balls.⁴

Macdonald was said to be worried that these entertainments, on so grand a scale, might create difficulties for future Governors-General.⁵ They certainly created difficulties for many of those entertained, and it was rumoured that it took some the rest of their lives to pay off the debts then incurred. Subsequent Governors appear to have been less lavish and Lansdowne alone afterwards is remarkable for the sumptuousness of his hospitality, a strange fact in view of his assuming the position because he was in financial difficulties through the refusal of his Irish tenants to pay their rents. The Duke of Connaught's administration was marked by simplicity, comparatively, and after the war broke out entertainments were naturally cut down to a minimum.

¹ C.O. 42/669 6023

² *National Review* 1890 *op cit*

³ A. Lyall, *Life of the Marquis of Dufferin* vol. 1, p. 214

⁴ G. Stewart, *Canada under the Admin. of the Earl of Dufferin*, p. 38

⁵ A. Lyall, *op cit.*, p. 216

Finally, to the Governor-General, as to others, death brings an enormous access in popularity. Admired and respected though Lord Tweedsmuir was in life, his death was responsible for far greater manifestations of regard, independent of the more or less stereotyped and formal praise always bestowed on those who die in important positions. From which the cynic may conclude that nothing in his official life becomes a Governor-General like taking leave of it while still in harness.

CHAPTER VII

THE RESULTS OF THE WAR ON THE GOVERNOR-GENERALSHIP

the Governor General of to-day is little more than a convenient peg on which to hang our system of government

(R. M. Dawson, *The Principle of Official Independence* p. 218)

Governors General will cease to be mere mail carriers

(*Vossische Zeitung* on the Balfour Report, quoted in *Sydney Morning Herald*, 23rd November, 1926)

CHAPTER VII

THE RESULTS OF THE WAR ON THE GOVERNOR GENERALSHIP

In assessing the results of the War on the Governor Generalship, one must beware of falling into the *post hoc, propter hoc* fallacy. The Governor General was destined to decreasing importance from the day that the principles of responsible government were acted upon, the laying of the cable in 1865 between Canada and England resulted in the loss by the Governor of much of the personal initiative which had been made possible by the length of time it had taken for an answer from the Colonial Office to a despatch of the Governor's, the Office itself showed an increasing tendency to get into direct touch with colonial statesmen, instead of through the Governor, whose powers in Canada were largely limited by the issue of new Instructions in 1878.¹ Further, the Canadian Government by 1879 had its own High Commissioner in London and soon colonial representatives sat at Colonial Conferences, which by 1911 had already come to be styled Imperial, and they also sat on the Imperial Advisory Council. At the 1907 and 1911 Conferences suggestions had been made for the separation of the business of the self-governing colonies from the Colonial Office² and at the latter Conference came the suggestion that the Governor General should be cut out of correspondence between the Governments.³

The changes after 1914 did not represent a break with the past, but only an acceleration of a process already long in motion. The War was responsible for the changes in so far as it greatly strengthened Canadian nationalism and gave Canadian statesmen increased confidence in themselves, especially after Borden participated in the deliberations of the War Cabinet and Canada was officially represented at the Peace Conference and the League of Nations. The War was also responsible for change in that it

¹ See *ante* pp. 79 seq.

² See *ante* p. 58.

³ See *ante* pp. 57-8.

made correspondence through the Governor-General too slow in vital issues and necessitated his elimination as a channel of correspondence between Dominion and Imperial Prime Ministers in matters of Cabinet importance.¹ But the fact that this change had been suggested before, shows that the tendency was already there.

In the early days of the War there had already been direct correspondence between the Admiralty and Foreign Office and the military and naval authorities in the Dominions,² and at first the report on the progress of the war was sent direct to the Canadian Prime Minister, who had to ask permission to show it to the Governor General.³ But political correspondence continued to pass through the hands of the Governor-General till 1918. The decision to change this rule had, in all probability, as much to do with the desire that the help of the Dominions should appear spontaneous and not as a result of pressure through the Governor-General, as it had to do with the desire to save time. The principle seems to have been more important than the method which, apparently, has never been much used.

One more important event in the change in the Governor-Generalship was not due to the War, though it partly coincided with it. This was the period of office of the Duke of Connaught in Canada from 1912 to 1916 which, as we have seen,⁴ began a new tradition that the Governor-General should be a quasi-constitutional monarch.

If many circumstances, unconnected with the War, contributed to make the office what it has since become, it was the War itself which demonstrated clearly, without doing anything to alter, the limitations in the prerogatives of the Governor General. He could not, for example, requisition neutral ships without special delegation, or pardon offences which were not purely Dominion in character, such as trading with the enemy.⁵

By 1917 it had become clear that certain constitutional changes were overdue. In that year at the War Conference, through the influence of Smuts and Borden, the famous Resolution IX was adopted, which stated that a constitutional conference should be called to settle inter-imperial relations as soon as the War was over.

¹ See *ante* pp 58-9

² Cd. 8566

³ A. B. Keith, *op cit*, p 245

⁴ A. B. Keith, *War Government* p 248

⁵ See *ante*, p 119

The 1921 Conference of Prime Ministers and the 1923 Conference however did nothing to carry out the terms of the resolution which may have long remained unfulfilled but for the accident of Lord Byng's ignorance of constitutional practice which led him to refuse a dissolution to his Prime Minister in the same year as the next Conference which refusal seemed to Canadians to constitute a glaring challenge to their growing independence. Combined with this circumstance was the newly assumed premiership in South Africa of General Hertzog who was pledged to have South Africa's status enhanced and the sympathetic attitude of the Irish Free State delegates to anything increasing the degree of independence of the Dominions as well as dissatisfaction over the *Nadan versus Rex* decision by the Privy Council. All these facts were responsible for making 1926 rather than 1914-18 the turning point for the Governor Generalship when some attempt was made to bring the constitutional position into line with the rapid political advance made by the Dominions since the War.

In the previous year a concession was made to those who in increasing numbers sympathized with the suggestion made in 1907 that the affairs of the Dominions should be separated from the Colonial Office. A Dominions Office was set up with a separate subordinate staff but still with the same head as the Colonial Office. This could not give satisfaction as the change was more apparent than real and it was felt that the Colonial Secretary apart from being too busy would have the wrong attitude towards the self governing Dominions which he would have acquired in his dealings with the colonies. It was not until 1930 that a separate Dominions Secretary was appointed.

When the Conference met in 1926 there was therefore two normal methods of correspondence possible (1) Directly between the Prime Ministers if they wished it (2) between government departments in the Dominions and Great Britain which did not go direct but passed through the hands of the Dominions Office at one end and those of the Governor General at the other.

By 1926 too there had been a considerable change in the method of appointment of the Governor General. Canadian statesmen as we have seen did not share the enthusiasm of some Australian States in their desire to be consulted before their Governors were appointed. Standing alone the Australian point of view was sometimes effective and sometimes not. If the

Dominions did not press for the right of choice, the Imperial authorities had no intention of making concessions to what they considered merely as local prejudice. Thus the appointment in 1901 to South Africa of Lord Milner, as Governor of the Transvaal and the Orange River Colony, and High Commissioner for the Natives, showed—an appointment which was most unpopular with a section of the population. Though in 1914 the Imperial Government consulted the Canadian Prime Minister before appointing Prince Alexander of Teck,¹ in 1918 the Duke of Devonshire was appointed without prior consultation. By then Canadian statesmen had begun to share the point of view of the Australians, and Borden, who was one who stressed his loyalty to the Empire, was sufficiently aware of the growth of the importance of Canada, and of his own opinion in Imperial affairs, to protest. Thereafter the British Government first ascertained Dominion opinion, and the Canadian Cabinet would even allow proposed names to leak out so as to test the reaction of the public. This merged imperceptibly into suggestions being made by the Dominion Government itself.

When Lord Byng was appointed in 1921 the Canadian press made much of his appointment having been arranged with the knowledge of Canada. By the time the 1926 Conference met, the appointment of the Governor-General was virtually made by the Dominion Government, though in consultation with the Imperial Government and the King, and the Imperial Government continued to assume responsibility for the choice. In this the precedent had been set by the Irish Free State in 1922 in the choice of Mr. T. Healy as their first Governor-General.

It was the Committee of the 1926 Conference on Inter-Imperial Relations, under the chairmanship of Lord Balfour, which made the now famous definition of Great Britain and the Dominions, placed in one category for the first time, as follows —

*They are autonomous communities, within the British Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.**

Later the Report stated —

But the principles of equality and similarity, appropriate to *status*, do not universally extend to *function*.²

1. See ante, p. 213

* Cmd. 2768, p. 14

In keeping with this exalted position of the Dominions the status of the Governor General¹—always one of the touchstones of the status of the Dominions—was newly defined. Interestingly enough, already in 1919 General Smuts had suggested that the Governor General's position should be approximated to that of the King, that his connection with the British Government should be severed, and that he should cease to be a channel of communication between the Imperial and Dominion Governments. He also suggested that the appointment of local citizens to the office should take place. If these changes were made, he said, the calling of the constitutional conference, as postulated by Resolution IX, would be unnecessary.²

Most essential of all changes was that the Governor General should no longer represent the Imperial Government in Dominions, so sensitive about any form of interference by that Government, that when the Governor General exercised his prerogatives without any reference whatever to the British Government, he was accused of acting as its agent. When even Professor Keith interpreted the Byng refusal as relegating Canada to colonial status, it was high time that his connection with the Home Government should be severed. In the words of *The Round Table*—

The fact that his appointment is made from London—though in agreement with the Government of the Dominion—and that he is the representative of the British Government tends to make the exercise of his legitimate powers look like interference with Dominion autonomy.³

The Report altered one of these circumstances. It laid down very definitely—

the Governor General of a Dominion is the representative of the Crown holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain and that he is not the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government.⁴

Nothing was said on how the Governor General was to be appointed. Subsequent changes in the method of appointment were not decided on then. That a change was not foreseen is

¹ This did not affect the Governors of Australian States, but only the Governor-General of Canada, Australia, New Zealand, South Africa, the Irish Free State, and the Governor of Newfoundland.

² See ante p. 226.

³ September 1926 p. 688.

⁴ Cmd. 2768 p. 16.

clear from a speech made after the Conference in the Canadian House of Commons by Mr Mackenzie King, who made much of his approval of the appointment of Lord Willingdon as Governor-General who, he stated, was appointed after a conference between the *British Prime Minister* and himself¹. It therefore seems beyond question that the 1926 Conference did not postulate or even foresee that the Governor-General should be cut off from the Imperial Government in the manner of his appointment, as well as in his subsequent career. Of course, once a beginning was made in bringing practice up to date with theories of equality, the other changes were bound to follow.

One change flowed immediately from the new status of the Governor-General. If he was to be a substitute King in the Dominion, he could not at the same time remain a sort of diplomatic correspondent of the Imperial Government. In a sense this was to be regretted because Governors had done excellent work in pressing the Dominion point of view on the Imperial Government, as well as *vice versa*. Increasingly, too, this had been done less in his official capacity than as one who had experience of the problems of both countries. Lord Denman, who was Governor-General of Australia from 1911 to 1914, writing on this subject, said —

In my time just before the War, important negotiations were carried on through my office between the Admiralty and the Department of Defence at Melbourne, and I was able, on more than one occasion, from my knowledge of the circumstances at both ends, to allay friction which threatened seriously to impede the establishment of the Australian Fleet Unit.²

But the suspicion that the Governor-General was working not as a mediator but as a two faced official, apparently the head of the Dominion Government but really disloyal to it and inviting interference by the Imperial Government, was unfortunately widespread in the Dominions. Take the typically erroneous opinion as expressed by a South African constitutional lawyer —

Hence the spectacle of the Governor-General dutifully accepting the policy of his constitutional advisers, whilst at the same time writing hurried despatches to the British Government informing it of such a policy, and perhaps suggesting that it should bring pressure to bear to secure its modification in certain particulars where it might affect Imperial interests.³

¹ *J.P.E.*, vol. viii, p. 84.

² *The Times* 8th December 1930.

³ H. J. Schlosberg, *The King's Republic* p. 77.

It was better that, although the Governor General had long become far more the head of the Dominion Government than the servant of the Imperial Government, he should cease altogether to be a channel of correspondence between the two Governments. To rid him of the suspicions of the Dominion would be a good far outweighing any useful purpose which he might still be able to serve as liaison officer when other methods of correspondence were possible.

For this the Report made provision. Having equated the Governor-General with the King, it proceeded —

It seemed to us to follow that the practice whereby the Governor-General of a Dominion is the formal official channel of communication between His Majesty's Government in Great Britain and His Governments in the Dominions might be regarded as no longer in accordance with the constitutional position of the Governor General. It was thought that the recognized official channel of communication should be, in future, between Government and Government direct.¹

And lest this should leave the Governor-General in ignorance of what was going on between the Governments,

a Governor General should be supplied with copies of all documents of importance and in general should be kept as fully informed as is His Majesty the King in Great Britain of cabinet business and public affairs.²

The 1926 Conference did nothing expressly to affect the power of the Governor General to reserve Bills for the King's assent. The Canadian constitution, unlike the other Dominions except the Irish Free State, did not contain provisions for reservation dealing with particular subjects, but both the constitution and the Governor-General's Instructions gave him the power of discretionary reservation. Compulsory reservation would not be affected by the decisions of the Conference but the Governor's position with regard to discretionary reservation did alter under the rule that he should model his behaviour on that of the King, which would preclude him from constitutionally securing any advice but that of his Cabinet. They would, of course, not recommend him to use his prerogative to reserve Bills which they themselves had sponsored.

According to Keith, while reservation remained, and, in some cases, remains in the constitution, the Governor General was or is the agent still of the Imperial Government.³ More correctly we

¹ Cmd 2768 p. 16

² *Responsible Government* (1928 ed.), p. 152.

could call him the agent of the constitution which contains traces of inferior status, rather than of the Imperial Government which very soon abdicated even the formal right of acting in opposition to the Dominion Government over any type of reserved Bill

This decision was arrived at by a Conference of experts from all the Dominions, whose appointment the 1926 Conference recommended. This was the Conference on the Operation of Dominion Legislation and Merchant Shipping,¹ which met in 1929 and went fully into the subject of reservation. Its Report pointed out that provisions for discretionary reservation existed in all the Dominions while compulsory reservation did not affect Canada or the Irish Free State. Compulsory reservation also existed under The Colonial Courts of Admiralty Act, 1890, and The Merchant Shipping Act, 1894.

The Report stated that the power of discretionary reservation, if exercised at all, could only be exercised in accordance with the constitutional practice in the Dominion governing the exercise of the powers of the Governor-General, that the Imperial Government would in future not advise the King to give the Governor-General instructions to reserve Bills, that it would not be in accordance with constitutional practice as regards Bills reserved, either by discretion or compulsion, even where alterations to the constitution itself, requiring reservation, were affected, for the Imperial Government to offer advice to the King against the views of the Government of the Dominion concerned.

The Report recommended that it should be open to the Dominions, who possess the power of amending their constitutions, to abolish the discretionary power of reservation and repeal provisions requiring reservation of Bills dealing with particular subjects, and that Dominions lacking the power to amend their own constitutions (obviously meant for Canada) could ask the Imperial Parliament, which would pass the necessary legislation. It further stated that Sections 735 and 736 of the Merchant Shipping Act, 1894, and Sections 4 and 7 of the Colonial Courts of Admiralty Act, 1890, which contain provisions for reservation, and also a suspending clause, until the Crown's pleasure should be signified, should no longer be applicable to legislation passed by Dominion Parliaments.

It was also recommended that disallowance should go the

same way as reservation and by the same methods, that laws affecting the title of the Crown or the succession should require the assent of all the Parliaments of the Dominions, as well as of the United Kingdom, and that no Act of Parliament of the United Kingdom should refer to the Dominions unless they had requested and consented to its enactment

These provisions showed how wrong had been the opinion expressed in *The Times* when it had described the 1926 Report as

essentially a register of conditions as they exist already rather than a programme for the future¹

Quite clearly, the Empire had ceased to be one unit in law when the Governors General were no longer to have power to hold up legislation, at their own discretion or in obedience to precise regulation, no matter what conflict there was with the interests of the rest of the Empire, nor was the Imperial Government to exercise the authority to invalidate or delay such legislation

The 1930 Imperial Conference adopted, with very slight modification, the recommendations of the experts. It also made a series of very important statements with regard to the office of Governor-General. As we have seen, he was, although no longer a representative of the Imperial Government, still appointed by it—in consultation with the Dominion concerned, of course—and his commission carried the counter-signature of the Dominion Secretary. The Conference proceeded to eliminate the Imperial Government from the appointment of the Governor General. It formulated the following statements —

- 1 The parties interested in the appointment of a Governor General of a Dominion are His Majesty the King, whose representative he is, and the Dominion concerned
- 2 The constitutional practice that His Majesty acts on the advice of responsible Ministers applies also in this instance
- 3 The Ministers who tender and are responsible for such advice are His Majesty's Ministers in the Dominion concerned
- 4 The Ministers concerned tender their formal advice after informal consultation with His Majesty
- 5 The channel of communication between His Majesty and the Government of any Dominion is a matter solely concerning His Majesty and such Government. His Majesty's Government in the United Kingdom have expressed their willingness to continue to act in relation to any of His Majesty's Governments in any manner in which that Government may desire

¹ 22nd November, 1926

- 6 The manner in which the instrument containing the Governor General's appointment should reflect the principles set forth above is a matter in regard to which His Majesty is advised by the Ministers in the Dominion concerned¹

Having cut out the Governor General at one end, the Conference had now agreed to cut out the Dominions Office and indeed the whole British Cabinet at the other. Soon the Imperial Government was to have the experience of hearing of appointments only after they had been made.² Shortly before, Keith had scouted the idea of Dominion Cabinets dealing direct with the King on the same footing as the British Cabinet, as a "constitutional monstrosity." He added —

That His Majesty should on his personal discretion and responsibility accept or reject Dominion advice is absurd but not less so the idea that he should serve the purpose of automatically registering the decrees of six or more independent governments even if they conflicted with the interests of the people of the United Kingdom.³

After the adoption of these resolutions, how many methods of correspondence were possible between Dominions and Great Britain?

1 For all the Dominions approach through the Governor-General to the King is still recognized and practised. If the King's signature is required to an Act or Proclamation, it is normally submitted to him through the Governor General. When Canada declared war on Germany on 10th September, 1939, this method was not used, for reasons of haste. The Governor-General signed on behalf of the King who confirmed the signature on the same day, after an interview with the Canadian High Commissioner at the request of the Canadian Government. Correspondence through the Governor General is inconvenient in times when there is no time to be lost. Thus, though during the Abdication crisis, both Canada and Australia sent messages to the King through their Governors General, they, like the other Dominions, had to depend on Mr. Baldwin to carry out the vital negotiations, and he, indeed, appears to have been in no hurry to have consulted Dominion statesmen. Where speed is not necessary, as, for example, the recommendation to the King that the next Governor General of South Africa should be the Earl of

¹ Cmd. 3717 p. 27

² *Responsible Government* (1928 ed.) p. xii

³ See post p. 241

Clarendon by the then Governor General, the Earl of Athlone, this is still a practicable method of approaching the King

2 Correspondence between Prime Ministers is still possible, though rarely practised

3 Until 1938 not all the Dominions were corresponding directly through their Governments. Canada, South Africa and the Irish Free State took advantage of the 1926 rule permitting direct correspondence as early as 1927. Australia followed suit in 1931 and New Zealand only in 1938 and then at the request of the Imperial Government, until when correspondence between Governments passed through the hands of the Governor General and the Dominions Secretary. Newfoundland never adopted the new method

4 Although correspondence is possible between departments of the Government directly with their opposite numbers in the Dominions, such correspondence is only carried on in matters of great urgency, generally between the Foreign Office and the Dominion Departments of External Affairs. Even then the Dominions Office is informed afterwards. The rule is for ordinary departmental correspondence to be submitted through the Dominions Office

5 Visiting Ministers may advise the King direct. Such visits are naturally rare but sometimes made with this as one of their purposes. Lord Bessborough was appointed to Canada and Sir Isaac Isaacs to Australia after the Prime Ministers of those countries had visited the King and tendered advice to him

6 Correspondence may be carried on through the High Commissioners. This method has become of increasing importance since correspondence between Governments has been direct, and not through the Governor General. Under the new arrangement there was nobody else on the spot to explain the point of view of one Government to the other. The Dominions had already all followed the example of Canada in appointing High Commissioners to Britain and these have been in intimate contact with their Governments and therefore able to interpret their wishes to the British Government. The Duke of Kent was appointed to the Governor Generalship of Australia and the Earl of Athlone to that of Canada after the High Commissioners of the respective Dominions had had an audience with the King, to whom the High Commissioners have the right of access. Under

the new status, too, they may communicate direct with members of the British Cabinet, without securing the permission of the Dominions Secretary

The Dominions have preferred to make increased use of the High Commissioners, rather than appoint Ministers to London, though the British Government has often suggested the latter. That Government has appointed High Commissioners to all the Dominions¹ (Canada 1928, South Africa 1930, Australia 1931, New Zealand 1938, and Eire 1939) for the purpose of representing it, now that the Governor General no longer does so. Towards the end of 1939 the system of Dominion High Commissioners in each other's capitals began. High Commissioners, though lacking in diplomatic immunity, have high precedence, of equivalent status in Dominions and Great Britain. They do valuable work and help to settle issues of fair importance but in really vital matters they cannot claim to have the same influence as the Governor-General in his heyday used to have. Which does not mean that the clock ought to be put back.

The 1930 Conference agreed that the chief recommendations of the Report of the 1929 Conference should be embodied in an Act of the Imperial Parliament. The Parliament of each Dominion then agreed to request that the Act should be passed, and on 11th December, 1931, the Statute of Westminster received assent. This Act did not state that the Imperial Parliament gave up the right of legislating for the whole Empire, though in practice it had long done so and Acts of the British Parliament dealing with external affairs only applied to a Dominion at its choice, when an Order in Council would be issued in the Dominion, over the signature of the Governor General and the counter-signature of a Minister. According to the Statute of Westminster no Act was to extend to the Dominions, as part of the law of the Dominions, unless the Dominions—the consent of their Parliaments was not stipulated—requested and consented to the enactment. It permitted the Dominions to replace Imperial legislation with legislation of their own, with or without repealing Imperial legislation and to pass laws dealing with matters already regulated by Imperial Acts, and that these Dominion laws would no longer be void on the ground of repugnancy, and that they would have

¹ Newfoundland did not have a British High Commissioner in her Dominion days

extra territorial effect. The Merchant Shipping Act and the Colonial Courts of Admiralty Act were not to apply to the Dominions. Thus disallowance (except of acts affecting trustee securities in the United Kingdom, which were specially protected) and reservation, beyond that provided for in the Dominion constitutions, was no longer to be practised, and the provisions in the constitutions could be revoked if and when the Dominions desired.¹ The powers of the Governor-General were therefore affected, although the Act made no mention of him and left the other changes in his status, as suggested by the Conference, to be regulated by convention only.

Having devoted ourselves so far to the formulation of constitutional change, let us see how the Canadian Governor-Generalship was, in fact, affected. We have seen that the Canadian Prime Minister, Mr Mackenzie King, played a large part in changing the Governor-General's status in 1926. He was the leader of the Liberal Party, which had always been more keen than the Conservatives on asserting the Dominion's rights or, to quote M. Bourassa, while the Conservative leader was in favour of the unity of the Empire and the autonomy of Canada, Mr King was in favour of the autonomy of Canada and the unity of the Empire.² But having played his part in getting a new definition of the Governor-General's status, and having established direct communication between the Governments, he seemed to lose interest. Just as the Balfour Report was never formally approved of in the Imperial Parliament, but was only discussed on one evening, long after the Conference was over, so in the Canadian Parliament Mr King did not get beyond eulogizing the Report,³ and the motion of the Opposition, that the House should not be assumed tacitly to have acquiesced in the Report, which should not be acted upon until it had received the approval of Parliament, was defeated by 122 to 78 votes.⁴ That this was not caused by Conservative disapproval of the Report was shown in 1930 when they were in power and approved of the Report of the Conference of that year.⁵

The truth is that Canadians are very rarely interested in constitutional niceties, and lack enthusiasm for exact definition or

¹ See *post*, pp. 247-9.

² *J.P.E.*, vol. viii, p. 317.

³ *Ibid.*, vol. xi, p. 652.

⁴ *The Round Table*, December 1921, p. 172.

⁵ *Ibid.*, vol. viii, pp. 321 and 608.

the removal of all traces of colonial origin. Once they were assured that a future Governor-General would not act as Lord Byng had done they were satisfied. Even though national feeling is strong and growing, there is considerable loyalty to the monarchy and almost no yearnings for "sovereign independence." In this Canada resembles Australia, where Parliament also did not adopt the Report, which received some praise and also some criticism, as showing a tendency to rigid legal definition. Nor did New Zealand adopt the Report or act upon its permission to cut the Governor General out of correspondence between the Governments. The Newfoundland Premier said in the House that the Report was of no use to them.¹ Even the Irish Free State Parliament did not adopt the Report which received only mild praise from the Government and criticism from the Opposition. Only in South Africa was the Report hailed with delight, proclaimed one of the most astonishing monuments in their constitutional history,² and adopted, but not until 1928, by the South African Parliament.³ Except for the Irish Free State, the reactions to the 1926 Report forecast with how much relative enthusiasm the changed status of the Dominions and with it of the Governor General was to be acted upon in the years to come.

The Canadian Parliament approved, without a division, of the resolutions of the 1930 Conference,⁴ and, like the other Dominions, approved of the British Parliament giving effect to the Statute of Westminster.⁵ This was accordingly passed and the Canadian constitution, which the Canadian Parliament is not able to amend, was protected by the clause that nothing in the Act should be deemed to apply to the repeal, amendment, or alteration of the British North America Act, 1867 to 1930, or any order, rule, or regulation made thereunder.⁶ The result was to enable Canada to pass laws repugnant to Imperial laws which would be effective and have extra territoriality, it freed her from the automatic operation of Imperial Acts as part of the law of the Dominion and she was therefore no longer bound by clauses in such Acts providing for reservation, but it did not enable her to repeal the sections in her own constitution which gave the Governor General the right of discretionary reservation and the

¹ *J.P.E.*, vol. viii, p. 699

² *Ibid.*, vol. ix, p. 472

³ *Ibid.*, vol. xi, p. 903

⁴ *Ibid.*, vol. viii, p. 400

⁵ *Id.*, vol. xi, p. 652

⁶ Section VII.

Imperial Parliament the right of disallowance. To do this an Act of the Imperial Parliament would be necessary. It is symptomatic of Canada's lack of interest in constitutional questions that the Imperial Parliament has not been asked to repeal the sections of the British North America Act dealing with reservation or disallowance, nor is there any noticeable desire that Canada should obtain the right to amend her own constitution.

We shall see the Canadian attitude in better perspective if we compare it with the position taken up by the other Dominions. At Australia's request a section was inserted in the Statute of Westminster to the effect that it should not confer the power to alter the constitution, except in accordance with the law existing before the commencement of the Act.¹ At her request, too, the Act laid down that it was not to apply to Australia until the relevant portions were adopted by her Parliament.² Though questions have been asked in the House of Representatives³ and though Bills for this purpose were introduced in 1935 and 1937, they were afterwards dropped, and the relevant portions are still unadopted. Another Bill to adopt the relevant portions has since been drafted.

When this Bill is eventually passed, Australia will be able to amend any Act of the Imperial Parliament by ordinary process of legislation, but, as the Statute protects her constitution from its operation, it will only be able to be amended by the cumbrous process which amendment to the Australian constitution entails. Reservation by the Governor General and disallowance by the Imperial Parliament will therefore not easily be removed from the Australian constitution. The only way in which amendments to the constitution could be brought about by ordinary process of legislation would be by repealing the section in the constitution which lays down the method of amendment, and this would have to be done by the method which itself prescribes, and would not have the remotest chance of becoming law.

New Zealand, whose constitution is protected from the operation of the Statute of Westminster in the same terms as that of Australia,⁴ has made no attempt to adopt the relevant portions of the Statute which, unlike Australia, will not apply

¹ Section VIII

² Section V

³ *JPE* vol. xiv p. 537 and vol. xvi, p. 638

until this happens ¹ The Governor-General's power of reservation therefore remains Newfoundland also stipulated that the relevant portions of the Act should not take effect until adopted by her Parliament, which was not done in the three years that remained before she gave up Dominion status for Crown Colony rule

Far different was the response of South Africa and the Irish Free State In South Africa, feeling that it would be inconsistent with the Dominion's equality with Great Britain for the Parliament of the latter, even at South Africa's request, to insert a clause in the Statute protecting the constitution, as was done for other Dominions, the Parliament did not make this request When they asked the British Parliament to pass the Statute, they did, however, state that the entrenched clauses of the constitution would not be affected ² Strangely enough, in spite of the insistence on equality, the South African Parliament did not request that the Statute should state that it would not operate for South Africa until the relevant portions were adopted

The Status of the Union Act, 1934, went beyond that It prevents the operation in the Union of any Act of the Imperial Parliament unless it is re enacted in the South African Parliament It adopts the relevant portions of the Statute of Westminster The reference in Section 64 of the South Africa Act to reservation is repealed, but provisions in that Act dealing with reservation of Bills limiting appeal to the Privy Council are not removed This Act goes beyond the Statute of Westminster which assumes that an Act of the British Parliament may extend to a Dominion as part of the law of that Dominion, at its request and consent, whereas the Status Act asserts the necessity for the South African Parliament to re-enact Imperial legislation before it will apply to South Africa In other words, the right of the British Parliament still to legislate for South Africa is denied, as was exemplified at the time of the Abdication This Act and the South African Executive Functions and Seals Act make the South African Parliament a sovereign legislature How the Governor-Generalship is thereby affected will be considered later Incidentally, in accordance with section 64 of the South Africa Act any Bill affecting the power to reserve had itself to be reserved This was

¹ Section X

² House of Ass Debates, 22nd April, 1931

complied with and the Status Act, after its due period of one year's reservation, received the King's assent

The Irish Free State, likewise, did not insist that the Statute of Westminster should not become operative until its relevant portions were adopted, nor did it request the insertion of a clause protecting the constitution from the operation of the Statute, which caused some uneasiness, since justified, in the Imperial Parliament¹ In 1934 the Irish Free State removed from the constitution the power of the Governor-General to reserve Bills

Although, unlike the two younger Dominions, constitutional theory has not greatly interested Canada, constitutional practice has been brought into line with the new status, as witness the sending of Canadian representatives to foreign capitals, beginning with Washington in 1927, and insistence, on the part of the Liberal party at least, that Canada can only go to war if her Parliament decides on it, an insistence which was acted upon in September, 1939 In the choice of the Governor-General Canadian statesmen have shown that they intended to act in accordance with the 1930 resolutions In 1931 Lord Bessborough was appointed Governor-General as the sole choice of the Canadian Government, after conference between the King and Mr Bennett, the Prime Minister It was asserted at the time that even the Dominions Secretary first heard about the appointment through the newspapers² The choice of Mr John Buchan as Governor-General in 1936 was also solely that of the Canadian Government, in consultation with the King Interestingly enough and in keeping with lack of interest in the outward appearances of equality, Canada has adhered to the old form in announcing the appointment of a Governor-General, which is still made from Buckingham Palace According to the formula —

His Majesty has been graciously pleased to approve the appointment

Very little following has been found in Canada for the appointment of a Canadian to the office of Governor-General, chiefly because it has been felt that a local Governor would inevitably be accused of partisanship This has been the invariable response to the occasional suggestions that a Canadian should be

¹ *JPE*, vol. xi, p. 26

² *Sydney Morning Herald*, 13th February, 1931

appointed¹ For Australia, on the other hand, the prospect of a local Governor had always been an alluring one for large sections of the population. This was not only a desire in a majority of States as regards State Governors, but also affected the Governor General. The Labour party wanted a local choice because he would be cheaper, would not be aristocratic and, if chosen by them, would be far less likely than an Englishman to be hostile towards the Labour party in a country where disputes arising out of actions of the Labour party when in office have been frequent, and the attitude of the Governor therefore of considerable importance. For this reason the other parties have, on the whole, favoured Englishmen.

A Labour Government, in Australia, with Mr Scullin as Prime Minister, was responsible for the appointment, in 1931, of Sir Isaac Isaacs as Governor General. He was appointed after conference between Mr Scullin and the King². An Australian, he had in turn been member of Parliament, a Minister of the Crown, a judge, and had recently been elevated to the Chief Justiceship. His sympathies had always been with the Labour party. The next Governor General was Lord Gowrie, an Englishman who had been Governor of New South Wales and Victoria. The appointment must not be taken as a sign of repentance on the part of the Government. The United Australian Party was then in office, under the premiership of Mr Lyons, who had always asserted his belief in having a Governor General from Great Britain. The same may be said for the appointment of the Duke of Kent as his successor.

When Isaacs and Gowrie were appointed, a new formula was used which made clear to whom they owed their appointment. It ran —

On the recommendation of Mr Scullin (Mr Lyons) the Prime Minister, His Majesty has assented to the appointment.

The older form³ was reverted to for the announcement concerning the Duke of Kent who, as a helper of his brother, the King, in the performance of his duties, could fittingly be said to have been appointed with his Majesty's gracious consent. The appointment of Isaacs was announced from Australia House,

¹ *J.P.E.*, vol. viii, p. 576. vol. x, p. 667, *Can Annual Review* 1903 p. 248 and 1904 p. 373.

² *Sydney Morning Herald*, 11th September 1930.

instead of Buckingham Palace, but this occasioned much adverse comment and has not been repeated for subsequent appointments. The Dominions Office was not informed beforehand.

In keeping with the unwillingness in New Zealand to sever connection with the Mother Country, Governors-General to that Dominion have continued to be appointed after informal consultation between the Governments of the two countries and, indeed, every Governor-General until the present one has continued to represent that Government. Naturally, the old formula *has been adhered to in announcing the appointments*. The same applied to Newfoundland.

South Africa took longer than Australia to appoint a local citizen as Governor-General. The Prime Minister used his authority to have the period of office of the Earl of Athlone extended in 1929, and in 1931, in spite of considerable pressure for a local appointment from his followers, he was responsible for the choice of the Earl of Clarendon as Governor-General. In 1935, for the first time, the office was discussed in Parliament and Nationalists expressed a desire for a South African Governor-General, whose appointment would be a sign of independence, and would lead to lowered expenses.¹

In November, 1936, it was unexpectedly announced that the Governor-General would retire in the following March and be succeeded by Mr. Patrick Duncan, the then Minister of Mines. The circumstances leading to the hurried departure of Lord Clarendon were, according to Keith, that he had resented the new official South African method of toasting the King, first as the King of South Africa, and later among "foreign rulers".² In the appointment of Mr. Duncan South Africa "went one better" than Australia, as he was an active politician at the time. The new formula was used to announce his appointment but for him, as for his predecessors, the announcement was made from Buckingham Palace.

In the Irish Free State the power of the Governor-General to reserve Bills was removed from the constitution in 1934, as we have seen. Without doubt, the retention of the office in a country where it was so extremely unpopular, as representing the British King, and where the constitution so severely limited his

¹ House of Ass. Debates 27th March, 1935.

² A. B. Keith *The Dominions as Sovereign States*, p. 207.

prerogatives,¹ did more harm than good. Mr Cosgrave's party felt that the Governor-General had to be retained because his office was provided for by the Treaty, but Mr de Valera's party did not feel the same way about the Treaty. When Mr de Valera became President of the Executive Council in 1932, the office was doomed. In the same year, at a public function, the British national anthem was played when the Governor-General entered, whereupon members of the Executive Council left. Mr McNeill, the Governor-General who had been appointed in 1928 by Mr Cosgrave, protested. For this reason, as well as because he published documents which the Executive Council had intended to be kept secret, and because the Government feared that he might refuse assent to the Bill abolishing the Oath of Allegiance, the King was requested to tell him that he could vacate his office, unpalatable advice for the King to accept. Thus was the right of appointment interpreted as implying also the right of dismissal.

The new Governor-General, Mr Donal Buckley, was Irish, as were his predecessors. He was a retired shopkeeper, who had been a deputy in the Dail, where he was a member of de Valera's party from 1927 to 1932. He refused to kiss hands on appointment.² His functions were so limited that very little adjustment was needed when his office was abolished in 1936, at the time of the Abdication.

In appointing the first two Irish Governors-General, the announcement was made from Buckingham Palace. The King was stated to be pleased to approve the appointments. In 1932, instead, the announcement was made from the office of the High Commissioner, after the model of Australia in the previous year, and was to the effect that the King had made the appointment on the advice of Mr de Valera.

In accordance with the recommendations of the 1930 Conference, new Instructions were issued to the Canadian Governor-General in 1931. These may conveniently be studied under two heads: (1) the form of the Instructions, (2) their content.

(1) In order to appoint a Governor-General it was necessary to have Letters Patent, which were issued under the Great Seal of the Realm, which Seal is always used for important state documents and was called the *clavis regni* by Matthew Paris. James II,

¹ See *post* p. 263 and *ante* pp. 37 and 39.

² A. B. Keith, *Letters on Imperial Relations*, p. 138.

we recollect, threw the Great Seal in the Thames when he fled, thinking that thereby he would deprive the statesmen of the power of carrying on the Government. The Seal is in the keeping of the Lord Chancellor. In addition to the Letters Patent there was needed, for the appointment of a Governor General, the Sign Manual Warrant, authorizing the affixing of the Seal, which had to be signed by the King and countersigned by one or more Ministers of the United Kingdom, there were also Instructions to the Governor-General issued under the Royal Sign Manual and Signet, and not requiring a counter signature, last, there was the Governor General's Commission, also issued under the Royal Sign Manual and Signet and requiring a Minister's signature.¹

In 1931, to have the appointment in keeping with the enhanced status of Canada, the Governor-General's Commission was counter-signed by the Canadian Prime Minister, instead of by a British Secretary of State, the Warrant, although counter-signed by a Secretary of State, contained a preamble to the effect that action was being taken at the request of, and upon the responsibility of the Prime Minister of Canada.* The Instrument issued in 1935 when the Governor General went on an official visit to the United States, which gave him the power to exercise his authority extra-territorially, was also stated to be issued in accordance with the advice of the Canadian Prime Minister. Technically, this still implied inferiority to the Imperial authorities, because, although the Sign Manual could be affixed on the authority of the counter-signature of the Canadian Prime Minister, the Signet is controlled by the Dominions Secretary.

At no time has an Imperial Conference suggested that the Dominions should provide for their own Seals which could be used for all purposes, although they have each long had an individual Seal which is used for documents of minor importance. In 1939 a Seals Act was passed in Canada which provides that any Royal Instrument may be issued by and with the authority of the King, and passed under the Great Seal of Canada or any other Royal Seal approved of by His Majesty for the purpose. In practice this amounts to a declaration that either the Great Seal of Canada or the Great Seal of the Realm may be used for important documents, including, of course, Letters Patent issued

¹ G. E. H. Palmer *Consultation and Co-operation in the British Commonwealth* pp. 231 seq.

to the Governor General. The authorization will be given by a Canadian Order in Council, an arrangement which is not altogether satisfactory, seeing that the Lord Chancellor cannot strictly be expected to release the Seal in obedience to a Canadian Order in Council. The fact that this new method differs from the South African, where the Governor General has been given extra territorial powers, where necessary, was illustrated when the Canadian Parliament decided whether or not Canada would join Great Britain at war in 1939. The declaration of war, signed by the Governor General, and counter signed by the Prime Minister, was, in accordance with the provisions of the Seals Act, submitted to the King for authorization, which was obtained on the same day. For South Africa, the Governor General's signature was adequate without the King's authorization.

How have the other Dominions acted on the issue of the form of the Governor General's Instructions? Australia, more eager than Canada for a local Governor General, has been even less keen on bringing the Instrument into line with the new status. Since the appointment of Isaacs the Commission has been counter-signed by the Australian Prime Minister, instead of a British Secretary of State. The Signet, however, has been affixed on the authority of the Secretary of State, unlike Canada, thus clearly continuing a legal inferiority to Great Britain. New Zealand has adhered to the old forms, as did Newfoundland. South Africa and the Irish Free State followed a quite different method.

In 1931 South Africa did not go beyond the Australian practice. The Earl of Clarendon was appointed under a Commission which was counter signed by the South African Prime Minister, but it was issued under the Seal of the Realm and the old methods were adhered to of issuing the Instrument on the authority of the Secretary of State. In 1934 came a complete change. In that year the South African Executive Functions and Seals Act provided for a South African Great Seal to be issued. Its keeper was to be the Prime Minister. By Section 6 the Governor-General was empowered to sign any instrument which the King would normally sign, whenever, in the opinion of the Governor General in Council, the King's signature could not be obtained or the delay in obtaining the signature would "either frustrate the object thereof, or unduly retard the dispatch of public business." This

would be counter-signed by a Minister and confirmed by the South African Great Seal, which could be affixed on a resolution of the Governor-General-in Council. The effects of this Act on the Governor-Generalship, and the possibility of its being imitated in Canada, will be discussed in the following chapter. For the present it is sufficient to notice that when the present Governor-General was appointed to South Africa, the Instrument was passed under the South African Great Seal and Signet, and he is thus the only Governor General in the Empire to be technically completely independent of the Imperial Government.

The Irish Free State had already in 1931 provided for its own Great Seal and Signet, which were to be kept by the Irish Government. The 1st Governor-General was appointed under the Irish Seal and Signet in 1932. This method has much to recommend it, as it relieves the British Government of authority in law where it has ceased to exercise it in practice. On the other hand it still further weakens the idea, which the Great Seal represented, of the oneness of the Empire. But, after all, it is not the letter of the law that has bound the Empire together hitherto.

(2) The content of the Governor General's Instructions, as they existed before the new status, has already been studied, and the great part that Blake played in the form they took.¹ New Instructions were issued to the Canadian Governor-General in 1931. These have been much criticized because of their very partial modernization. An important change was that in both the Instructions and the Letters Patent the words "or by our Order in our Privy Council or by Us through One of our principal Secretaries of State" have been omitted, which means that the Canadian Government alone has the authority to give instructions to the Governor-General, another fundamental difference between the position occupied by the King and the Governor General. It was further stated that leave of absence was to be granted by the Prime Minister of Canada, a power formerly wielded by the Dominions Secretary.

On the prerogative of pardon the only difference between the new Instructions and the old was the omission of the words —

It shall not be made a condition of pardon or remission of sentence that the offender shall be banished from or shall absent himself from Our said Dominion

¹ See ante, pp. 79 seq.

It is strange that, having omitted this trace of colonial status, the Instructions still make it incumbent upon the Governor General to use his personal discretion, in exercising the prerogative of mercy,

where the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of Our said Dominion

are affected. This does not imply the inferiority of Canada to Great Britain as the Governor General does not have to refer the matter to British statesmen, but, if he is to act with the King as his model, he cannot be expected to take these instructions seriously. Then why not omit them? In the words of Keith —

the comedy is evolved of the Governor General being required by ministers to disregard on his personal responsibility their own advice on an issue of government.¹

A further remarkable survival from the old Instructions—omitted, unlike personal discretion in cases of pardon, from the 1935 Instructions—was the order to the Governor General to transmit to London all laws assented to by him or reserved by him (ever since 1878 there had been no mention of reservation beyond this in the Instructions) with marginal abstractions, along with fair copies of the Journals and Minutes of the proceedings of the Parliament of Canada. The question was, where were they to be sent to, seeing that the Dominions Office no longer had authority over Canada or the Governor General? The defence for the retention was that it was in keeping with sections 55 and 56 and 57 of the British North America Act, 1867, which refer to reservation and are still unrepealed. It was an unconvincing defence. The Act does not order the Governor General to send copies of the Acts of the Canadian Parliament to England. The omission of this instruction in 1935 shows that it was indefensible. Its inclusion in 1931 was almost certainly the result merely of a very hasty revision of the Instructions, which did not leave much time for bringing them thoroughly up to date.

In Australia the Letters Patent have not been altered since 1900 and the Instructions since 1902. In New Zealand the Instructions, which are so archaic as to instruct the Governor General to use his own judgment before accepting the advice of the Cabinet, and if he refuses it, to let the Imperial Government know the

¹ A. B. Keith, *The Dominions as Sovereign States* p. 211

reasons, have not been revised since 1917. Nor did Newfoundland attempt to revise the Instructions, which were similarly phrased. In South Africa the old form of Instructions was used until 1936. They included the instruction to the Governor-General to exercise his personal discretion over pardon, which in South Africa was specially inserted for the protection of the natives, he had also to reserve certain classes of Bills and submit copies of Journals and Minutes of the proceedings of Parliament, together with explanatory notes. Leave of absence was to be granted by the Secretary of State. The 1936 Instructions were brief and to the point. All mention of reservation, discretion over pardon and sending of Bills to England was omitted. Leave of absence was to be granted by the South African Prime Minister. The Irish Free State chose to abolish the Governor-General rather than to continue to modify his powers.¹

What, in brief, have all these changes in the office of Governor-General amounted to? He has been completely cut off from the Imperial Government as far as his choice is concerned, and the Canadian Government has undertaken full responsibility to advise the King on his appointment, in the Instrument appointing him there are still some traces of his former status, as there are in his Instructions, but this is at the desire of the Canadian Government, once appointed he no longer has any connection with the Imperial Government, although his power of discretionary reservation has not been removed from the constitution, but he holds the position only of head of the Dominion Government. Is such an arrangement likely to prove stable? To that question we now turn our attention.

¹ Copies of Dominion Constitutions, Letters Patent and Instructions are to be found in *Constitutions of all Countries*, vol. I (H.M. Stationery Office).

CHAPTER VIII

THE OUTLOOK FOR THE
GOVERNOR - GENERALSHIP

There is no justification for the existence of the Governor-General

DE VALERA

(Journal of the Parliaments of the Empire, vol x, p 193)

His status needs to be enhanced rather than lowered

H J MANDELBROTE

(South African Law Journal, November, 1936, p 440)

CHAPTER VIII

THE OUTLOOK FOR THE GOVERNOR-GENERALSHIP

Presupposing that there are no violent convulsions as a result of the present war, which disrupt the Empire and make Canada virtually an American protectorate, what is the outlook for the Governor-Generalship of that Dominion?

It is not feasible to believe that the possibilities of change have now been exhausted. If just over a hundred years ago the Nova Scotian Joseph Howe could compare responsible government with municipal government, and if a little more than seventy years ago John Macdonald could say that if ever a minor had a careful, anxious, powerful guardian Canada had it in the Imperial authorities,¹ and could look upon the appointment of the Governor-General by the Imperial Government as a perfect arrangement, what change of outlook and of practice may not the next century, or possibly much less, bring forth? Already we have seen that when New Zealand preferred to adhere to the older form of Governor Generalship, it was Great Britain which suggested that she should come in line with the other Dominions. It shows that since the idea of a centralized federal constitution for the Empire has broken down after being favoured and toyed with by the Imperial authorities in the years immediately after the Great War, Great Britain has also come to prefer a system whereby she is completely free from the appearance of responsibility in the Dominions, and free from the possibility of being blamed as she was in the Byng episode in Canada. On the other hand the history of Newfoundland shows us that the development of increasing independence in each Dominion cannot be taken for granted. Great stresses, economic or otherwise, can cause a Dominion to regress as well as happier conditions can make it progress.

¹ Can. H.C. Debates 20th May, 1868

There have already been four definite lines of development in the Dominions in the last few years, and by studying them we may be in a better position to undertake that always rash task of prophecy, and predict the future of the Governor Generalship of Canada.

(1) *Leaving the Governor General's powers unaltered*—The Dominions of Canada, Australia, and New Zealand have done nothing to affect the office beyond changing the method of appointment and subsequent status of the Governor by which he has been, as far as possible, cut off from the Imperial Government. Canada and New Zealand have not yet experimented with a local choice. What chance is there of this attitude persisting, or of no change being made beyond removing the powers of reservation which are still his, according to the constitution? The evidence seems to point to a continuation of the present practice even, in the near future, at least to the extent of having Governors General from Great Britain. Keith believes that the difficulty will be to secure able men for the post, even though its quasi regal qualities may be attractive to some.¹ The appointment of Mr. Buchan and the Earl of Athlone to Canada belies this contention. In the choice of the former, Canada showed that suitable men were certainly obtainable if she was willing to look for merit rather than titles, which could, at all events, always be bestowed later. In Canada British Governors are not disliked for being constant reminders of their country of origin, as among large sections of the populations of South Africa and Ireland, nor suspected of being hostile to Labour as in Australia.

The possibility of choice of prominent Dominion men as Governors of other Dominions is not to be ruled out. There is some sort of precedent for it in Francis Hincks, who was Prime Minister of Canada in pre Dominion days and later Governor of Barbadoes and of Demerara. It would do much to show that the Dominions are bound to each other as well as to Great Britain and would satisfy those who dislike a British Governor General as a reminder of the days when he represented the Imperial Government. The difficulty here is in the limited choice of talent available compared with what could be found in Great Britain.

Even a local Governor-General would not be without precedent

¹ *Responsible Government* (1928 ed.), p. 152.

of any kind on the American continent, New Jersey having had a local nominee in colonial days. Supposing Canada appoints a Canadian to the Governor Generalship but continues to leave his powers unchanged in theory. How will they be affected in practice? It seems to be taken for granted that he would be weak. True it is that his advice, if offered to another Government than the one which appointed him, would carry little weight, and be regarded, probably, as an *insidious attempt* by the Opposition to influence legislation, but the advice of the Governor General has long ceased to have any weight with any Cabinet. The local Governor's subservience to the Government which appointed him is always stressed and the danger is real enough, yet, surely, the most striking thing about a local man as Governor General is not his subservience to those who appointed him, but is rather the possibility of his defiance of a Government of a rival party. It is not his advice whose importance needs stressing in recent times but his still active prerogative powers. The South African local nominee, Sir Patrick Duncan, proved disconcertingly strong in refusing a dissolution in 1939 to General Hertzog. The latter had been responsible for appointing him, but had split the Cabinet on the issue of neutrality and the leader of the recusant group was General Smuts, the former party chief of Sir Patrick in his days as a politician. This refusal was all the more striking because as long ago as 1927 the South African Appeal Court had expressed the opinion in *Schierhout versus the Union Government*¹ that the Governor General no longer had any personal discretion, except in the case of murder, which was dealt with in the Letters Patent, as they existed at that time, and which were in 1936 modified to omit this discretion.²

The first fact which emerges from the appointment of a local man as Governor-General is that he will inevitably be accused of being a partisan, whether he acts in favour of the Government which appointed him or opposes one which is composed of another party. There is further the real danger that the accusations will not be groundless. On this subject Dr Jennings has said the last word —

A promoted politician cannot forget his past, and, even if he can others cannot.³

¹ A D 1927, pp 94-109

² *Cabinet Government*, p 250

³ See ante p 249

The evidence we have from the few cases of local appointments which have already taken place prove this to the hilt. Take the case of Sir Isaac Isaacs when he acted in accordance with the wishes of the party which appointed him, and to which he was known to be partial and had, as a judge, defended the Commonwealth Court of Conciliation "whose continued operation was the vital issue leading to the fall of the late Government."¹ Shortly after appointment he supported the Labour House of Representatives in its dispute with the Senate over the Commonwealth Transport Workers' Act² and though he gave excellent reasons for the position he adopted, Opposition statesmen, even if having sufficient restraint not to shout an accusation of partisanship from the housetops undeniably muttered it in their beards, and the prestige of the office was not thereby increased. To a lesser extent this applied also to the grant of a premature dissolution to Mr Scullin in 1931.

Or take the South African example where the Governor-General refused advice. He had been an active politician until just before assuming office and one of the members of his own party two years before had stated about him in the House of Assembly that people were saying —

Yes, he is doing nothing else but trying to get a job for himself in the future.³

When, therefore, Duncan refused a dissolution to a Prime Minister of over fifteen years standing, some pretty harsh things were said. Yet his probable reasons were so impressive as entirely to justify his act. A majority of one in a Cabinet of thirteen favoured Smuts and had voted against Hertzog, Smuts could form a Government without an election, the Governor-General knew public opinion well enough to realize that there was likely to be a majority who would favour Smuts, above all, there was the very real danger that an election would lead to riots or worse in a country honeycombed with Nazi intriguers, who could not be interned before war was declared.

A local appointment leads to the Governor-General having the disadvantages without the advantages of the American President. Canada would therefore be very ill advised to imitate

¹ A. B. Keith, *Lectures on Imperial Relations*, 1916-1935, p. 105.

² See *op. cit.* pp. 32-3.

³ House of Ass. Debates, 11th April, 1914.

those Dominions which have ceased to get their Governors from Great Britain. In this connection the attitude taken by Keith is the more remarkable in view of his unfailing condemnation of local Governors of Australian States, where Acting Governors have been party to illegal acts, in Queensland in 1920 and Tasmania in 1924.¹ Keith favours the appointment of local men as Governor General. He says —

Lord Byng's action had rendered it inevitable that the delusion that an outsider is necessary to secure the proper administration of Dominion affairs should disappear.²

The mistake in this view is the putting of the emphasis on the "outsider" whereas it falls naturally on the need for impartiality, and also the appearance of it, which is almost impossible to find in a local nominee. For a local nominee, indeed, there is only one really strong defence which is that, if the Governor General acts against the advice of his Prime Minister, it is better that he should be called a partisan than that Great Britain should be accused of having dictated his act. Thus the Byng episode in Canada led to ill considered talk of Imperial interference. Duncan refused a dissolution in a far more tense situation and, happily for the unity of the Empire, only he and Smuts were blamed. A British Governor General, even if appointed without the consent or even the knowledge of the Imperial Government, would if he had dared to refuse dissolution—a moot point—most assuredly have been said to be acting as a tool of Great Britain.

But to the type of politician who is happy when dislike is stirred up against Great Britain, this will appear as a drawback rather than as a merit. The lesson he is likely to learn from strong action by a Governor is that the Governor must never again be in the position to interfere with party plans. When, after such an experience, a new Government assumes office, they will probably recommend the withdrawal of the Governor General. We are not here dealing with a purely hypothetical case, as the dismissal of McNeill in 1932 in the Irish Free State shows. Even if he tried to do the bidding of the new Cabinet the position of the Governor-General would be an unhappy one, the relationship between him and the Cabinet strained and an actual breach fatally easy, as the

¹ A. B. Keith *Responsible Government* (1928 ed.), p. 183.

² *Ibid.*, p. 1225.

case of McNeill also shows. If the Governor-General's tenure of office came to be co-terminous with that of the Government which appointed him, it would cease to have any significance whatever.

Though the Governor General holds his office at the King's pleasure, the usual period has been about five years in Canada. The shortness of the Governor's stay is a relic of the days of colonial status when the Imperial authorities feared that the Governor might become too partial to the colonists, and a relic also of the time when it was difficult to induce a man to endure a longer period of exile. Professor Mandelbrote suggests that if the Governor's tenure of office were fixed for a period, which should not be too long, subject to removal for gross misbehaviour, it would enhance his status, and would prevent his removal for purely political reasons.¹ This admirable suggestion is, unfortunately, not practicable. No Government would consent to having this change made which would strengthen the Governor-General against them and might encourage him to go as far as to refuse assent to legislation passed by another party than the one to which he owed his appointment. This is, I maintain, not a fantastic suggestion, if a condition prevails in which the differences between the parties are fundamental, though Canada is fortunately not now in this position.

Nor have we exhausted the drawbacks to the appointment of a local man as Governor General. No sooner is a local appointment contemplated or effected than the office is discussed in Parliament and suggestions made that it costs more than it is worth. Above all this happened in the Irish Free State,² but it also happened in South Africa³ and in Australia, where the appointment of Isaacs was very soon followed by a question in the House of Representatives on whether his salary would be reduced.⁴ In the Irish Free State the last Governor General refunded four fifths of his salary,⁵ and in Australia Isaacs refunded fifteen per cent,⁶ although in the latter case the circumstances were peculiar: the Governor General was also drawing a pension.

¹ *South African Law Journal* November, 1936 p. 440

² See *ante* p. 208

³ See *ante* p. 243

⁴ *Sydney Morning Herald*, 4th December, 1930

⁵ He also did not live in Victorian Lodge

⁶ *Sydney Morning Herald*, 14th July 1931

as ex-Chief Justice and it was a period of severe depression. In both cases the constitution prohibited a reduction while the Governor-General was in office and the law was in this way circumvented. The significance of this desire for a reduced salary for the Governor is that it springs from the same source as the desire for a local Governor and aims at reducing his status. Its worst result is to give backbenchers an opportunity to display their wit at the expense of one who cannot defend himself.

The appointment of Isaacs and of Duncan both divided public opinion. This was strongly expressed in both countries, and disapproval was sometimes voiced from unexpected quarters. Many in those Dominions still feel, as is usually expressed in Canada, that the Governor General, if no longer an official representative of the British Government, can yet on returning to Great Britain, do much to link the Dominion with Great Britain by his contact with British public men. But his period of usefulness is over on retirement if he is a citizen of the Dominion, unless he returns to active politics, which cannot be too strongly deprecated.

Most of all, some have lamented the effect of such local appointments on the King. Normally the King at least has the right of objection to appointments made in his name, and in his own representative he could be expected to desire to see someone of whom he approved. Over the appointment of both Isaacs and Duncan, however, he was presented with an accomplished fact and his status in his relations with Dominion statesmen made inferior to that when dealing with British statesmen. This attitude to the King is, of course, not peculiar to the question of the appointment of the Governor General, because, since 1930, the King has had to assent to all legislation, and give his signature to all documents, which the Dominions have seen fit to send him, without having discussion with Dominion statesmen, and being prevented under the new status from consulting British statesmen. But it is at its most glaring over the appointment of Governors. In South Africa the coming appointment was allowed to leak out well beforehand, and no attempt was made to obtain the King's agreement first.¹ It certainly seemed as if the Balfour Report, which laid down that the statements it made about status did not apply to function,² was being interpreted as meaning that the

¹ *The Cape Times* 17th November 1936

² See *ante*, p. 228

Dominions could have equal privileges, without the equal obligations of Great Britain

Evatt raises another point in connection with the relationship between King and Dominion Cabinet. He asks what would be the duty of the King if he were requested by a Dominion Government, just before they went to the polls, to appoint a new Governor-General. Would he be justified in waiting until he knew the result of the election? ¹ This does not seem very likely to happen but if it did, the wisest thing to do would, I believe, be to grant the request and leave it to the new Government, if one were formed, to countermand the appointment, should they desire. That would be preferable to making his action a party issue.

We may sum up, then, by saying that local appointments tend to lessen the authority of the King, so that even his more or less formal agreement is made more obviously so, the Governor-General himself under this system would become, almost certainly, one whose term of office coincided with that of the party appointing him, and his status so lowered that his office, if it continued to exist, would be worse than useless.

(2) *Definition of the Governor-General's Powers*—In the Irish Free State the dates for the summoning and proroguing of the Dail were, in accordance with the constitution, fixed by the Dail itself and not formally vested in the Governor-General. Over dissolutions it was laid down that a ministry with the support of the Dail could ask for a dissolution, with the implication, though not the express condition, that it should thereupon be granted. A ministry which had lost the confidence of the Dail could not obtain a dissolution unless the Executive Council approved of it, which amounted to the necessity for a majority of the ministry to be in favour of dissolution. Under this arrangement a dissolution could not have been requested as it was in South Africa in September, 1939. The onus of responsibility was therefore removed from the Governor-General himself.

In South Africa, too, the 1934 legislation made statutory two rules which were till then conventional, the first being ministerial responsibility and the second, the independence of the King and the Governor-General from the British Cabinet where South African affairs were concerned.²

¹ *The King and his Dominion Governors*, p. 193

² Status Act, Section IV

Evatt's book, *The King and his Dominion Governors*, has as its thesis the desirability of "some authoritative definition of the Crown's reserve powers, preferably in Statute form" ¹ He would have this apply to King and Governor alike in view of the very considerable uncertainty which now exists on what their powers are, as we have shown in the first chapter

There is little difficulty in the theoretical side of this plea Any constitutional lawyer ought to be able to draw up a scheme which would make provision for all contingencies The examples of the Irish Free State and South Africa have shown the ease with which this can be done Nor would it be a correct inference to regard the weakening of the Irish Governor-Generalship—which was from its inception an office in the exercise of whose prerogatives no discretion was needed—as the outcome of definition of its scope When even such formal rights as that of recommending Appropriation Bills was removed from the Governor-General and vested in the Executive Council, and when he was deprived of such a traditional function of the Governor General as that of receiving foreign envoys, its crises lay deeper than in the initial definition of his powers Rather can the explanation of the narrow and then narrower scope for the exercise of authority both be found in the dislike felt for an office which was formerly connected with the Imperial Government and still represented the King There is no doubt that one of the reasons why the public appearances of the Governor-General were cut down to a minimum was that his appearances were heralded by the playing of *God Save the King*. This, too, plays a part in South Africa which makes the eventual abolition of the office there a distinct possibility In England this appears ridiculously trivial but one had only to be in South Africa in 1938 when *Die Stem van Suid Afrika* was played as well as the British national anthem on the occasion when the Governor General opened Parliament, to realize what enthusiasm, worthy of a better cause, can be put into the struggle for the retention or abolition of the tune on the appearance of the Governor General The only importance of this for Canada is that it stresses that definition of the Governor-General's powers is not the prelude to abolition of the office, though it does undoubtedly simplify the abolition

What likelihood is there that Canada will take to defining the

powers of the Governor General? Very little, when we remember the disinclination of her statesmen for constitutional definition. Then, too, there are other objections beside temperamental ones. There would be a very definite temptation for Prime Ministers to choose as judges such men as were known to be extremely likely to favour them against the Governor-General, in cases of conflict between them, which came before the Courts for decision. This would corrupt the Bench and its authority would also be resented as too reminiscent of the American constitution in a country which prides itself on being different from its neighbour.

Evatt believes that exact definition is necessary because —

In the Dominions the new parties do not content themselves with the explanation which consists of no more than a vague gesture towards some hinterland of constitutional and political morality.¹

If we are going to assume that legislation is necessary because convention is not respected, it will be more than the Governor-General's office that will be affected, seeing that convention plays a large part in all Dominion constitutions. And surely the remedy is inadequate for the disease of insufficient respect for the constitution? Why has constitutional government broken down so largely on the Continent in countries with admirable paper constitutions? Is it necessary to point the obvious conclusion that the success of a constitution depends pre-eminently on the spirit in which it is worked? If we accept Evatt's argument, the prospect of becoming as well-governed as the people in the dictatorships follows. They at least have no doubt regarding their rulers' prerogatives.

Finally, as Professor Laski says, in his introduction to Evatt's book, a necessary preliminary to defining the powers of the Crown would be to secure the "full and unfettered assent of political parties both here and in the Dominions." That consent, I maintain, would be impossible to secure, as neither the Canadian nor any other Dominion Prime Minister would consent to a definition of powers which would have to limit his own rights as well as those of the Governor-General, whereas now the Prime Minister can always hope for the best and generally get his own way.

(3) *Abolition of the Governor-Generalship*—Those who see in the Governor-General a constant reminder of colonial status

and who are exhilarated at the idea of sovereign independent status, at a time when its perils are coming to be widely understood in older countries, are attracted to the idea of following the example of the Irish Free State and abolishing the Governor Generalship. There are few in Canada who belong to this category and their influence does not seem to be increasing. But it is interesting, while on this point, to notice how the office could be abolished. In New Zealand alone does the constitution prohibit the abolition, and, even by adopting the Statute of Westminster, this power would not be obtained because the constitution is expressly protected by the Act. The change could only be made by an Act of the Imperial Parliament. Canada would also need an Imperial Act, which would have to be requested by all the provinces, in accordance with the usual tradition, in Australia the usual process of amendment of the constitution would be necessary, in South Africa the office could be abolished by ordinary Act of Parliament.

It would be an easy matter to consign the Governor-General's powers to others. It would not be necessary to give his functions to the Chief Justice, an arrangement to which some objection may be made on the ground of the undesirability of combining Executive and Judiciary. In the Irish Free State the summoning, proroguing, and dissolution of the Dail was transferred to the Speaker, the President of the Executive Council assumed the power of signing Bills, the Executive Council appointed judges and members of the military tribunal. The Executive Council was, as formerly, appointed by the Dail. In Canada the office could not be abolished without definition of powers, on the lines that had previously been adopted in the Irish Free State, or it would place too large a discretion in the official who inherited the control of dissolution and even dismissal, as it exists under the present arrangement.

It is of considerable importance for our study to observe that in the constitution of Eire there is a President, and one, be it noted, whose powers are not quite negligible. It is clear that it was not the powers of the Governor-General which were unpalatable but his name. Call him a President, and it seems advisable that, though his powers of appointing the Prime Minister and Cabinet are exercised on advice, he may even convene the Dail against the advice of the Council of State, and may use his discretion over granting a dissolution to a Prime Minister who has

lost the confidence of the Dail. If he refuses, the Prime Minister must resign. He is even given the strength which tends to follow from being elected. The possibilities are certainly interesting.

Is election of the Governor-General at all likely in the future of Canada? Elgin thought that the day might come when Governors would be elected.¹ It does not seem as if he was a good prophet. Election would make the Governor even less like the King than now, and no one could imagine a Royal person or even many another man well-fitted for gubernatorial office, submitting to direct or indirect election. The present system combines control by the Government over the appointment with dignity in assuming the office and renders the post as non-political as it is possible for it to appear.

(4) *Increasing the Powers of the Governor General*—Whereas in the Irish Free State the constitution provided for the declaration of war and neutrality by the Executive Council, without the King, but did not quite eliminate him from the exercise of certain formal powers, among them the conclusion of peace treaties, in South Africa the Governor-General since 1934 has been given power to act on behalf of the King, even against his wishes, if advised to do so by the Executive Council.² The King's powers have therefore been made formal only and the powers of the Governor-General enormously increased, but strictly on the proviso that they must be exercised on advice. On the spirit which the 1934 legislation did nothing to alter, the prospect the same, and that he still has discretion in warding the dictatorships well illustrated in 1939. His extra-territorial introduction to Evatt's more given him personal authority over the powers of the and the conclusion of peace than was the consular functions by his investiture. Evatt's process of legislation the Status Act expressly unfettered assent of of the Governor-General to suggest amendments. That consent, Bill to the House in which it originated. (This, as sent to a in the House, was not intended to give the Governor-General actual discretion but was purely an administrative device to provide for cases in which a Bill, having passed both Houses, was found to be defective in some important particular, and would, but for this provision, be signed by the Governor-General,

¹ Chester Martin, *Empire and Commonwealth*, p. 318.

² See *ante*, pp. 246-7.

and could only subsequently be amended by another Act of Parliament.¹

South Africa provides the first example of a Governor-General being given external powers. It has been argued that since the Governor-General has been equated with the King, he must *ipso facto* have all the regal powers as far as his own Dominion is concerned. Nevertheless, it is generally assumed that, except in South Africa, he is still unable to declare war or peace, conclude treaties of any sort, accredit diplomatic agents, annex territory, confer titles or issue coinage. Even under the South African system the difficulty of honours remains because if the Governor-General were to grant any they would be only local in operation to be imperial the British Government would have the right to advise the King. The King's right to confer titles on Canadians without consulting the Canadian Government was acknowledged in Canada by the Prime Minister as recently as 1933.²

Would Canada be wise to give the Governor-General extra-territorial powers, that is, in practice, for the Dominion Government to assume extra-territorial powers itself, to be exercised in the name of the Governor-General? There is, I believe, everything to be said for it now that the Dominions have their own external policies, as well as for the grant of legal immunity for all acts done by the Governor-General on advice. It was ridiculous, for example, power of signould at one and the same time, on behalf of the and members of, of the Empire, both acknowledge, and refuse was, as formerly, ne conquest of Ethiopia and Spain. With could not be abolulallowance no longer exercised, he might, too, that had previouslyen treaties quite at variance with the policy would place too largejection may be made that the grant of extra-control of dissolutiethe Governor-General would act as a dis-present arrangement it is clear that the performance of acts in

It is of considas not prevented differences of policy, which can in the constitis said and done, be settled by mutual consultation notconsideration, if at all

Legal forms never have provided a magic cohesive where the spirit of co-operation has been lacking. This is a truism but is overlooked. Fears are expressed that the Dominions, having emphasized their allegiance to the King, and repudiated their

¹ House of Ass Debates, 28th March, 1934

² J.F.F., vol. xiv, p. 520

subservience to the Imperial Parliament, in a manner so reminiscent of pre-revolutionary America, will next break away altogether. Then it is earnestly asked whether any hope can be entertained that the Governor-General, if the worst happens, will prove himself an Horatius. Much energy has been wasted on erudite discussion over whether he could legally sign an Act of secession, seeing that he takes an oath of allegiance to the King on assuming office. Others point out that his signature would not make an Act legal which he had no authority to sign.

It is all so futile. An oath would not stand in the way of a complaisant Governor-General or a determined Dominion Government. We might as well get anxious over the possibilities of the Imperial Parliament exercising its undoubted right and repealing the Statute of Westminster or of the Dominion constitutions themselves, for that matter. If the future of the Governor-Generalship of Canada, and her membership of the Empire, seem assured, it is not because of some inviolable, musty or modern legal document. The letter killeth, but the spirit giveth life.

END OF PART I

PART TWO

THE DEVELOPMENT OF CANADIAN NATIONALISM

Britain How often would I have gathered thy children together even as a hen gathereth her chickens under her wings and ye would not!

(Matth. xxiii. 37.)

Canada We in Canada are loyal because we are free and so long as we are free we will be loyal

(SIR WILFRID LAURIER.)

CANADIAN NATIONALISM AND IMPERIAL FEDERATION

PREFACE TO PART TWO

THE INEVITABILITY OF THE EVOLUTION OF DOMINION STATUS

The philosopher has said that we are free to do what we will, but not free to will what we will. In the evolution of Dominion status we seem to see an evolution without will, or at least without consciously directed will. This has come out again and again in the study of the Governor Generalship. How was it that he developed from a pretty considerable force into an influence only spasmodically potent and as a rule chiefly a decorative personage?

The Governor-General himself certainly did not desire this development. Resentment, or at least pained resignation at its approach, is writ large in all the records we have. The Monarch had no wish that his representative's powers should atrophy. The Colonial Office most emphatically objected to losing its control over the self governing colonies through the Governor. The colonial Opposition grew abusive when the Governor General on critical occasions refused to deviate from the path of strict constitutionality. Yet the evolution went on steadily.

What was the reason for the development? The explanation is to be found in the growth of Dominion nationalism, which seems from our point of view also to have been a fore ordained and fated thing, desired consciously by neither Mother Country nor Dominion. Like a stream to which all other streams, though they began separately, sooner or later flowed, Dominion nationalism has been the river upon which Dominion status, in all its manifestations, has been launched.

How unpremeditated and unplanned it has been may be seen in the fact that a great leader like Joseph Howe, who struggled manfully for responsible government and was most bitter against the Governor who governed, could say that treaties and diplomatic arrangements and the regulation of the trade of the colonies with the Mother Country, and with each other, were exclusively the right of the British Government.¹

¹ W. P. M. Kennedy *Documents of the Canadian Constitution* p. 403

Not only did British people regard "Colonials" as Englishmen overseas (of a rather less desirable type, perhaps, whose ancestry did not always bear too close an investigation, but Englishmen, nevertheless) but the "Colonial" regarded himself in the same light "I am an Englishman," said Sir Alexander Campbell, the Canadian representative at the 1887 Colonial Conference

And when he did not regard himself as an Englishman or a Frenchman, the inhabitant of Canada looked upon himself as a Nova Scotian, a British Columbian, or a Quebec or Ontario man Yet already before the eighties the idea was catching on among small, but increasing numbers, that they should think of themselves as Canadians In a short time this became the predominant attitude and the flood of Canadian nationalism became so strong that it could neither be dammed nor diverted in accordance with the requirements of many both within and without the country As with the Governor-Generalship, so with Canadian nationalism, it was futile, once the evolution had begun, to say, "Thus far and no further"

In what follows I shall attempt to show how it was that Canadian nationalism developed along the lines it did and why it was that it opposed the movement towards Imperial Federation, and refused to take part in the defence of the Empire, in the manner desired by Britain and why, strong though the desire was for closer commercial ties with the Mother Country, on no account would Canada consent to its organization and control by an Imperial Economic Committee I shall also try to show why Britain did not succeed in getting her point of view accepted in a single instance and how, indeed, she was driven, by the inherent nature of imperial and world relationships, first to permit Canada to have her own way and then actually to change her own economic system in accordance with the desires of the Dominion

CHAPTER I

CANADIAN NATIONALISM AND IMPERIAL FEDERATION

Imperial Federation in its fluctuations and various manifestations provides an interesting index of the different aspects of responsible British opinion to Canada and the Empire generally. From our point of view, and with the detachment which comes with time, the outcome seems to have been a foregone conclusion and the amount of zeal put into the movement to have been misspent. We find it difficult to realize that its sponsors were unable to look into the future and see which seeds would grow and which would not, and that they had such high hopes.

The unification of Germany, Italy, and Canada itself, provided the examples which inspired the movement for a federation of the whole British Empire. Its advocates did not see that, strong though the ties between the different parts of the Empire were, stronger forces kept them apart from formal union and that the difficulties which had had to be overcome to bring about federations among contiguous states, with comparatively minor problems of communication, and in a condition of far greater interdependence than the units of the Empire, had proved almost insuperable. Imperial Federation was a Utopian scheme once the colonies had been granted self-government and were so jealous of losing it that they even feared to have resident Ministers in England who might commit them.

At no time, however, was the movement for Imperial Federation a popular one. It had a few very persistent advocates in and out of Parliament, some of them influential, but their difficulty in winning more adherents lay in the attitude of British public opinion generally that anything connected with the colonies was insufferably tedious. To M.P.s they were not a source of votes and were not allowed to use up time which might otherwise be more profitably spent. Now it is an axiom of propaganda that if you annoy people by your gospel you may well come to convert them,

but if you bore them you are foredoomed to failure. And, in spite of the official change from separatism to Imperialism, the boredom on the discussion of colonial affairs was so all pervading that it still seeps through the pages of Hansard, which reveal that from Gladstone to Churchill when the colonies have been discussed, with the rarest exceptions, the House has been so small as to be in constant danger of being counted out. This tells more than all their speeches laudatory or fault finding. The members were ill informed and, united in their boredom, they were also united in their belief in the right of interference in the internal affairs of the Dominion, suggestions of which were the only suggestions which the bulk of members ever had to offer on colonial matters. The persistent refusal of the Government to act on their advice did nothing to lessen the spate of suggestions.

Let us see how varied these were. Dilke, for example, asked whether the Treasury would refrain from granting the Pacific Railway loan until the scandal was cleared¹, another member recommended interference over the Canadian treatment of natives, leading to the Red River Rebellion², another advocated interference over the transfer of the steamship contract to Allan's³, another over the Montreal Riots⁴, another over the treatment of emigrants⁵. Even as late as 1931, a member would have liked Great Britain to interfere over Canada's action in prohibiting certain classes of imports⁶.

Even those who concerned themselves habitually with the self-governing colonies seldom revealed a disinterested affection equal to their thirst for knowledge. When, in reading through debates on the colonies, and articles of the period since Canadian federation, one comes across an occasional speech or article in which the Dominion point of view is understood and given full weight, it stands out by contrast as most profoundly statesmanlike.

We have to go back to 1869 to get the first conception of a meeting of the different parts of the Empire in Council. The need for some planned form of development in the relationship

¹ 1st August, 1873 1431

² H.L., 7th May 1885 1814 (Earl of Redesdale)

³ 1st August, 1889 57 (Mr. Justin M.Carthy)

⁴ 13th July 1893 1458 (Mr. W. Johnston)

⁵ 18th March 1898 239 (Dr. Farquharson)

⁶ 5th May 1931, 183 (Messrs. Williams and Marjoribanks)

between Mother Country and Empire was argued by the Colonial Society when in that year they pressed for the calling of an Imperial Conference. This alarmed the separatist Granville, who hastened to express his disapproval in a circular to the colonial Governors.¹ Colonies in Conference indeed when they were too parsimonious to pay for their own defence! Let them learn loyal and dutiful obedience first and not expect to have their opinion sought in solemn Conference.

In the next year Carnarvon in a speech which showed which way the wind was blowing the Conservatives defended the Canadians against the charge of disloyalty. He said that

the Canadians in point of loyalty and devotion to the Crown were absolutely more English than the English themselves.²

Which praise, worthily intended though it was, reveals an outlook which fundamentally failed to understand what was happening in Canada. It also apparently failed to convince members of Canadian loyalty. In 1887 the old charge is still being repeated and it comes very characteristically. Almost every fierce criticism from the Right has arisen out of financial reasons, either because Canada's fiscal policy has been displeasing or because Canada has not contributed to defence, both of which manifestations of her obstinacy are fully discussed in subsequent chapters. Here we find Lord Lamington employing the usual description of the colonies as children but adding malice to the term by comparing them with Goneril and Regan and this in a debate in which many expressed approval of his sentiments because Canada had just imposed certain duties on imported iron.³ Let alone favouring Imperial Federation, to him it seemed a mistaken policy to have united the North American colonies and the fact that Canada was in consultation with other Governments over a subsidy for the projected Trans Pacific line of steamers was "not a very patriotic proceeding".⁴

In 1887 came the first meeting of the Colonial Conference. This was called largely through the efforts of the Imperial Federation League, which had been formed in 1884, and of which Rosebery was to become President. Originally quite an insignificant movement, Imperial Federation, after the Home Rule Bill of 1886,

¹ Parliamentary Papers, XLIX C 24 and 25 (1870)

² H.L. 22nd July 1870 706

³ H.L. 4th July 1887 1531 seq

became far more popular, as compensation for the loss of Ireland and a means of gaining on the swings what was lost on the roundabouts. The movement received the support of such organs opposed to the extension of self government in degree or in area as *The Times*, *The Morning Post*, *The Standard*, *The Daily News*, *The Daily Telegraph*, *The Daily Chronicle*, *The Pall Mall Gazette*, *The Scotsman*, *The Spectator*, *The Saturday Review*.

By the Imperial Federation League the Conference was regarded as a shadow of things hoped for. About their ultimate, fixed shape there was divergence of opinion. Some favoured colonial representatives in the Commons or the Lords, others a federation proper with local Parliaments in all the Dominions and in Britain, as well as a federal Parliament in Britain, others informal co-operation and still others colonial representatives in the Imperial Cabinet. The League eventually came out in favour of a Council of Advice as the only practicable solution, revealing how far removed they were from the conception of equality with the Mother Country.

It was at first only individuals, and societies like the League, who evinced real interest in the Conference. The Government even then would have been unlikely to call it, had it not been for the circumstance of the Queen's Jubilee. To them it was only an informal, isolated meeting and, in Jebb's words, a meeting of vassals with their overlord.¹ Stanhope, in sending out the invitations, made it clear that Imperial Federation was not to be discussed.

Assuredly the hopes of Federation were on a very shaky foundation with the subject itself tabooed and with so little idea of the equality of the constituent parts, which in some form or other must always be acknowledged in a federation, that the Conference was presided over not by the Prime Minister but by the Colonial Secretary, who complained that he was too busy with parliamentary work to attend properly to Conference business. The insistence of the Government, too, that the Conference should be called "Colonial" and not "Imperial" betrayed that, scrupulous though the care of the Government might be to respect the feelings of the colonies as far as expressions of opinion in Parliament went, there was no real understanding of the strength and significance of Dominion nationalism.

¹ R. Jebb, *The Imperial Conference*, vol. I, p. 12.

The Annual Register of 1887 devoted less than a page to the Conference. Few M.P.s assessed its value. Some of them doubted whether it would be possible "a second time to draw first rate colonials to this country" ¹. Even years later Viscount Ridley said that he had never seen the need of a Conference ². It so obviously had no legal binding power that only the astute realized that its resolutions were not, as many asserted, mere pious opinions. Even Lord Salisbury was not among the prophets ³.

Among the members who were interested there were some who wanted its early recall ⁴ or who stressed that it should be transformed into an expression of federation ⁵. To those whose hope of Federation had been disappointed by the Conference came a further rebuff in 1889 when Knutsford laid down that any proposals tending to alter the relations between the colonies and the Mother Country must come from the colonies. Nevertheless members, and even the Government itself, were soon suggesting various schemes of federation and indeed scarcely a session went by without them right up till 1926.

Evidence of the Government's change of front is provided between the first and second Conferences. After the 1887 Conference Mr Goschen ⁶ and Mr Chamberlain ⁷ both damped down any enthusiasm for the recall of the Conference, and the latter stated in 1897 that there would not be a Conference that year but that if delegates came for the Queen's Jubilee, there would be discussion with them at the Colonial Office ⁸. Yet at the Conference of that year Chamberlain suggested an advisory Council of Empire, but the response of the colonies was not favourable. Fearful of losing their rights of self government, they passed a resolution that the relations between the United Kingdom and the self-governing colonies were satisfactory as at present. Chamberlain again brought up his suggestion at the 1902 Conference with like ill success, although enthusiasm for the Empire had been strengthened by participation in the Boer War.

¹ H.L. 25th March 1889 666 and 674 (Lords Stratheden and Knutsford).

² H.L. 11th April 1905 1184.

³ H.L. 12th February 1891 449.

⁴ e.g. 24th February 1889 1157 (Mr Rankin).

⁵ e.g. H.L. 2nd April 1889 657 (Lord Stratheden).

⁶ 17th February 1891 918.

⁷ 1st (924) and 23rd February (977-8) 29th March (1552) and 29th April (1235) 1897.

The Colonial Secretary realized with a shock that the war had even more stimulated Canadian nationalism, of which the attitude of the *Manitoba Free Press* was both a manifestation and an agent. The Conference, disliking formal federation, showed that it nevertheless valued co-operation by promoting itself into a permanent institution with regular sessions. Already the Dominion, rather than the Imperial, point of view was necessarily coming to be adopted.

Chamberlain's speeches at the Conferences and his famous reference to Britain as a weary Titan, carrying an orb too large for its fate, made it quite clear that it was to get rid of some of the burdens of Empire that he favoured Imperial Federation. The great volume of speeches and articles on the subject show that most of its advocates had the same end in view as the Colonial Secretary. The idea was to tie the colonies down to a share in the responsibilities and expenses of Empire, while leaving to Britain the essential control of policy and even perhaps leading to a resumption of authority already lost. In a conflict of judgment Britain would win the day. One writer argued openly that restraint might be used to prevent secession, just as a father might prevent "a headstrong, foolish, girl of sixteen from arrogating to herself the right of leaving her father's roof"¹. This was clearly nonsense but of a variety calculated to annoy the Dominions and to warn them off federation schemes, even though they knew that if they agreed to a federation they could still disagree with a decision reached by the federal authority, and that secession would be fatally easy.

With the attractions of Imperial Federation for the specific purposes of Naval Defence and Imperial Preference, we deal later. Enough here to say that many regarded the Dominions primarily as a potential weapon against the foreigner,² a potential sharer of the national debt, and a potentially increased market for British goods. Needless to say, the Dominions had a different idea of their purpose in the world and were accordingly wary about Imperial Federation. Unaware of their growing touchiness, members continued to offer them parental admonition. Thus, for example, Mr. Staveley Hill (though not without reproof from private and Government members) gave a clear indication that

¹ *The Nineteenth Century*, May 1902, p. 725 (Mr. H. H. Johnston).

² W. Lyon Blease, *A Short History of English Liberalism*, p. 37.

Canadians should vote for Sir John Macdonald in the forthcoming election, because of his known loyalty to the British cause.¹

Not all urging for Imperial Federation came from such quarters, nor did the desire to share the unpleasant concomitants of Empire explain the whole of the support for the movement. To many fair-minded British people a sense of the fitness of things seemed to demand that the Dominions, especially after they had contributed so much to the help of the Empire at war, should be allowed some voice in the policy which led to war.² They thought, too, that the Conference meetings were inadequate and that unless machinery of closer union was devised there would be disaster.

Others saw in Imperial Federation a means of strengthening their case, whatever it was, by reinforcing it with Dominion opinion. This was especially true during the period 1905-7 when the Conservatives showed this tendency. They remembered that the Ottawa Conference of 1894 had proved convenient to the advocates of Imperial Preference by focussing attention on fiscal policy to such an extent that the Government was compelled to make a statement on its intentions. Such people viewed both Imperial Conference and hypothetical Federal Assembly from exactly opposite poles from the Canadians. Canadians feared any body that would jeopardize their independence, these men favoured it in proportion to its resoluteness and binding character.

After the 1902 Conference a new note crept into speeches and articles on the Conference—that of fear that it would usurp the authority of Parliament. Members expressed strong disapproval over the truncated reports of the 1897 and 1902 Conferences and the answer that it was the Conference which had decided in favour of the short reports was not believed. Innuendoes were made that the Government had brought pressure to bear to get that decision.³ It became a regular feature before Conferences for attempts to be made to control the agenda of the Conference, or to get the press admitted to the Conference, or to persuade the Government that Parliament should go into recess during

¹ 17th February 1891, 918.

² e.g. 19th April 1911, 973 (Mr Crawshaw Williams) and 11 L., 29th November, 1916, 745 (Lord Heresford).

³ e.g. 29th April 1907, 546, and 1st May 1907, 895-6 (Mr A. Chamberlain and Sir L. Sassoon). Also many other occasions.

the sessions of the Conference to have time to study its resolutions, or at least be given time in the House to discuss the resolutions, but these ideas received scant encouragement from the Government

Mr G Bowles was the first of a long series of M P s who in one form or another expressed the fear that the Imperial Conference was a dangerous experiment, and that it should not acquire the power to bind Parliament by its resolutions,¹ a fear which in the early days seemed, if one judged by superficial appearances, to be quite baseless. The Prime Minister had not even addressed the 1897 and 1902 Conferences and in 1905 Balfour, then Prime Minister, admitted in an unguarded moment that he had forgotten that a Conference was due to meet in the following year.² Nevertheless, as the enthusiasm of the Right grew for Imperial partnership, so did the suspicion of the Left, many of whose members, confusing the Dominions with the colonial Empire, extended their dislike from Imperial Conference to the Empire itself. In the period 1903-7 it was Labour and Liberals combined who, afraid that the Tories would use the Dominions to foist Imperial Preference on Britain, showed increasing dislike of anything that smacked of Imperial Federation and time did not stale the charms of the aphorism that, just as the American colonies had been lost through an attempt at taxation by the Mother Country, so Great Britain would break away from the Empire through an attempt to tax her.

The colonies (said Mr Mallet) would always owe a debt to the generosity of the English people, but that was no reason why they should impose on that generosity.³

In the period 1909-1911, when the chief question was that of Naval Defence, most of the opposition to the Empire came from Labour alone. The Liberals were, of course, then in-office.

Roughly it is true to say that before the Great War, and especially after their loss of office in 1905, the Conservatives stressed the necessity for closer organic union and constantly reiterated that sentiment without organization was nothing better than courage without discipline⁴, the Liberals stated their

¹ 3rd March, 1903 1252 3

² H.L., 5th June 1905, 659

³ 14th May, 1907, 831

⁴ J Chamberlain, *The Empire Review* 1907-8, p 338

belief that co-operation was better than rigid constitutions; and Labour was indifferent or hostile to the Empire. But there was no fixed rule. Austen Chamberlain, for instance, whose outlook was so different from that of his father and who had said that the English Imperialists were really the disciples of the colonial statesmen who were the pioneers and apostles of the Imperial idea,¹ did not think that the Empire would fall to pieces without machinery to hold it together. He stated his conviction that the Empire should not be regarded through lawyer's spectacles, and that it would survive any strain put upon it.² Lord Rosebery, too, after having been President of the Imperial Federation League, came to speak of the "perilous rhetoric as to the necessity either of mechanically drawing closer or drifting apart."

You might (he continued) as well say that if the pillars of a Doric temple be not continually pulled together, they will fall outwards and ruin the building.³

Another with a similar outlook was Lord Balfour of Burleigh.⁴ To those who decried formal union the best hope of the future of the Empire lay in frequent Imperial Conferences, subsidiary conferences on special subjects, liaison officers, special advisory bodies, and frequent information on foreign affairs by cable. The primary need for improving communications was frequently stressed.

Before the Conservatives lost power in 1905 they made another attempt at achieving some measure of formal federation. A circular despatch of Lyttleton's of 20th April, 1905,⁵ suggested that the title of the Colonial Conference should be changed to that of Imperial Council, which should have a permanent commission attached to it, to prepare work for and act on the instructions of the Council, the British and Dominion Governments. Canada was most strongly opposed to both suggestions on the ground that it would interfere with her autonomy.

It was all too clear that though the dilemma was a very real one that they must either give up domestic autonomy or cease to have any effective continuous voice in external policy, their

¹ *The Nineteenth Century*, March, 1911, p. 385.

² *Ibid.* March, 1903, 1216.

³ *The Empire Review* 1907-8, p. 339.

⁴ *HL*, 11th April, 1903, 1170.

⁵ *Cd* 2785.

fear was stronger that they would be swamped in any hard and fast federal system in which votes would be allotted in accordance either with population (in an assembly, packed, doubtless, with complaisant representatives from the Crown Colonies) or with contributions to the common fund. Canadian Ministers, especially, were, in Laurier's words, in no mood to reduce themselves to dumb agents for the raising of revenue over which they would have no control.

Canadian opinion of course was not uniform. It was even more divided than British opinion. But to every one person like Tupper or Denison who was anxious to bring about Imperial Federation there was probably another who favoured Imperial Federation merely as an offset to closer union with the United States and many in a country fifty per cent of whose population was of non British descent, who were completely neutral. The French Canadian Nationalists, in whose regard even Laurier, who described the Dominions as independent nations owing allegiance to the Crown,¹ was a tool of British Imperialism, were highly suspicious of any larger federation in which they would lose their particular privileges and acquire a number of new obligations. In the words of their spokesman, Bourassa, who had broken with Laurier over the question of Canada's participation in the Boer War —

Indifferent as he is to commercial Imperialism, hostile as he is to military Imperialism the French Canadian cannot be expected to wish for any organic change in the constitution of Canada and to look favourably upon any scheme of Imperial Federation.²

Inconsistently with the attitude so far maintained, and although a Liberal Government was in power in Britain in 1907 and was not keen on Imperial Federation, the Canadian delegates agreed with the resolution of the Conference of that year which definitely retarded the development of Dominion autonomy. This sanctioned what had been mooted at the 1894 Ottawa Conference, namely, that a Secretariat should be chosen without executive functions, housed in the Colonial Office, and paid for by the British Government. It naturally came very much under British control. Laurier was keen that the British Government should pay the

¹ See H.C., 19th April, 1911 989.

² R. M. Dawson, *The Development of Dominion Status* p. 140.

secretariat since he felt, for some reason not easy to understand, that, unless this happened, ministerial responsibility would be interfered with. This secretariat greatly interested some M P s who constantly asked questions about it and recommended making it more representative.

At the 1907 Conference Australia backed by New Zealand, suggested the formation of an Imperial Council but Canada was strongly opposed. Laurier's mind was working along different channels. He insisted that the Conference was between Governments and Government and was not just between colonial delegates and the British Government, but even his use of the term "Governments and Government" showed that he still regarded Great Britain and the Dominions as being on different planes.

The 1907 Conference, the first to meet without ceremonial connection, interested members of Parliament and public more than its predecessors, as evidenced by the group of three charts which *The Morning Post* brought out on 4th July, 1907, to illustrate the evolution from colonial dependency into either an imperial partnership of five free nations or a scheme of Imperial Federation, the latter of which the *Post* favoured. The remaining chart, however, was the one which the course of events was to incarnate. It showed the Dominion Governments in direct contact with the Crown in the same relationship as the United Kingdom, instead of having approach to the Crown only through the Government of the United Kingdom. After the Conference, too, there was much discussion on it and while Conservatives complained that it had been a waste of time because there were no tangible results (and no federation plans and no Imperial Preference) Liberals disapproved of it for having suggested too much (especially Preference).

Mr Churchill, a member of the Government, showed that not only did the Liberals feel strongly against the Conservatives for a tendency to be in collusion with the Dominions to foist Preference on Britain, but also, even after this fear was for a time lifted, against the Dominions themselves for presuming to have a different fiscal policy from the Mother Country and recommending it to her. Over Mr Deakin's advocacy of Imperial Preference and his statement that if Britain adopted Preference she could use whatever means of taxation best suited her, Mr Churchill spoke

sarcastically of the "great concession to the self-government of the Mother Country" ¹ From another quarter came objection (which the Speaker silenced) to speeches by delegates made outside the Conference on Preference,² the right to make which as guests of the nation and not just of the Government was defended by those who agreed with the sentiments expressed in the speeches at issue ³ Assuredly the prospects of Imperial Federation were less than ever rosy

Canada, of course, was never quite without her defenders but very often such defence could not be taken at its face value It might be a means of attacking the Government, by implication of unfairness to Dominion sentiment and desire ⁴ or it might be to induce the Dominion to fall in with some scheme outlined by her defender The true motive was seldom concealed with any finesse When Mr Hills, for example, said that Britain could not get on without Canada any more than Canada could get on without Britain,⁵ he was reproving the Government for not having Preference towards Canada

Genuine regard for Canadian feeling among a few members in all parties there undoubtedly was, sometimes in the most unexpected quarters With rare understanding the Earl of Crewe, for example, pleaded that delegates to Conferences should not be overfeted and overentertained like "some distant oriental potentate who comes to England for the first and only time" but should be treated as colleagues ⁶ Generally regard manifested itself more in the realm of care to use the correct terminology when speaking of the Dominions and to pay them rhetorical tribute than in attempts to give practical recognition to their new status Their equality in theory was early acknowledged and though as late as 1912 some obdurate members continued to refer to them as children, by 1903 the Dominions were regularly spoken of as equals and sister nations This attitude finds typical expression in the words of Lord Aberconway who said that they were independent in all but name and bound to Great Britain by nothing but ties of loyalty and affection.⁷

¹ 15th July, 1907 406

² 16th May, 1907, 1112 (Mr H Pearson)

³ 15th July, 1907 393 (Lord Ronaldshay)

⁴ See *post* pp 309 310

⁵ 19th February, 1907, 735

⁶ H L., 6th February, 1911, 32.

⁷ H L., 10th March, 1913, 9

After Laurier, Deakin and Ward objected at the 1907 Conference to the use of the term "Colonies", members were careful to call them Dominions and those who made lapses hastened, when corrected, to apologize and explain that they realized that the self-governing colonies had ceased to be "mere colonies" which showed how in phraseology Parliament had moved from the attitude of Gladstone and his "province of Canada".¹ The Government was slower in approving the new terminology and took till 1920 to give it official sanction, and six years longer to approve the term "His Majesty's Government" when applied to any country in the Empire besides Britain. This term when used by Laurier at the 1907 Conference in reference to Canada had outraged the Colonial Secretary, Lord Elgin.

Some members were unable to reconcile themselves even to this theoretical equality and quite often a revealing phrase or sentence showed that the belief remained that not only was Britain greater because of her greater wealth but also because of the undeniable, inherent superiority of the individuals constituting the nation. Thus Mr Mackinder could say —

We have got to do the thinking of the Empire to a large extent here.²

How far members were from grasping the central fact of Dominion nationalism is revealed by the remark of another member as late as 1912 that the Dominions and the Mother Country constituted one nation living in five countries,³ which was, after all, only following the example a little belatedly of the language used by the historian Seeley.

Any attempt on the part of the Dominions to act on their supposed equality led to a hasty dropping of the mask of politeness in Britain. This was revealed with a vengeance over Canada's projected reciprocity treaty with the United States in 1911. So much, over so long a period, was spoken in Parliament on that subject that all that can be done here is to state the fact that Laurier, the Liberal Government in Britain, and Mr Bryce, the British ambassador in Washington, came in for the bitterest criticism. Laurier's party was reminded that it had been well-known previously for its lack of loyalty,⁴ and the Home Govern-

¹ 28th March 1867, 752.

² 29th June 1910, 980.

³ 22nd February 1912, 819 (Mr Croft).

⁴ 9th February 1911, 495 (Mr Macmaster).

ment, Bryce, and Taft were accused of having conspired together to wreck the policy of Imperialism ¹ Nor must we, in criticizing the Conservatives for interference, and assessing the generous spirit of the Liberals over this Treaty, forget that it admirably coincided with the Liberals' own policy

Outside of Parliament, whose traditional language and procedure tended to obscure their true attitude, except in times of great excitement, the criticism of the Dominions for lack of Imperialist enthusiasm was trumpeted abroad One of the correspondents of *The Empire Review*, F A W Gisborne, provides a vivid example Writing in that periodical about the 1911 Conference, he said —

The Commonwealth of Australia was represented (or rather misrepresented) by the temporary spokesman and political delegates of the Australian trade unions ²

He went on —

The present Prime Minister of the Dominion of Canada has become a familiar, perhaps too familiar, figure at Imperial Conferences Sir Wilfrid Laurier throughout his whole career has shown himself rather to be a dexterous party manager than a national leader And that his Imperialism is at least Platonic, both his past utterances and his present attitude clearly show ³

The significance of all this was not lost on Canadian political leaders Surely they must have understood, too, from even a cursory reading of speeches and articles of the period when the British Conservatives were in the wilderness, that the same people who were objecting to the social legislation of the Liberals and defending the House of Lords in its quarrel with the Commons and foaming at the mouth over the Canadian American reciprocity treaty were the very ones who were, in the terms of the most sweet reasonableness, exhorting the Dominions to agree to a scheme of Imperial Federation

Lack of respect for Dominion autonomy tended to find itself hand in hand with contempt for democracy *The Empire Review*, which sponsored Imperial Federation, is well sprinkled with contemptuous references to democracy One article is of special interest to us, headed as it is, "Imperial Federation—A check on certain evils of democratic government" ⁴ The writer quotes

¹ 31st May 1911 1112 (Mr Croft)

² *Op cit.*, 1911 12, p 76

³ *Ibid.*, p 71

⁴ *Op cit.*, 1917 18 D A E. Veal, pp 79 seq

Froude and Coriolanus with approval and proceeds in purest Fascist vein to deplore the "factions" which are the evils of democratic government and advocates Imperial Federation as the high road to *Gleichschaltung*, which in an Anglo-Saxon community must retain some of the forms of freedom. He deplores the predominance of the "idle, dissolute and self-seeking majority who pay few taxes, aim at getting all they can and grudge the necessary expenditure on national defence." Their leaders, he says, are the demagogues and unscrupulous leaders who swarm in a democratic state. In the larger constituencies of an Empire-state they would be eliminated.

We have already quoted what hard things an official correspondent of the same periodical wrote about Dominion statesmen who did not share his views. He quotes Hobbes almost affectionately¹ and talks of "governing by noses—red noses included" and continues —

the plebs of the British Empire would view with disapproval or indifference any scheme drawn up by the wisest statesmen and jurists in the world, unless its designers had first been sanctified for their task by popular vote.²

On another occasion he deplores neglecting Defence in order

to bestow pensions on the deserving and undeserving alike, to gratify party spite by weakening the one branch of the Legislature which stood for real freedom and wise government, and to grant liberty of intimidation to mutinous working men.³

Naturally he ridicules "the miraculous virtues of the ballot box" and comes out strongly in favour of a *nominated* convention to draw up a federation for the Empire in order to eliminate "those baneful influences which have caused, and are causing, so much harm and discord in the component States of the future federation."⁴ An article that would also repay study is one by F. B. Vrooman in *The United Empire* of 1912.⁵

Such articles could scarcely have strengthened the case of the few enthusiasts in the Dominions for Imperial Federation. They were more likely to feel sympathy with "mutinous working men" than with the "one branch of the Legislature which stood for real freedom and wise government" and the threat of repression not only of their rights as Dominions but as individuals could not

¹ *The Empire Review*, 1911-12, pp. 80-1

² *Ibid.*, p. 452

³ *Op. cit.*, 1916-17, p. 434

⁴ *Op. cit.*, pp. 466-67

have been missed. Canada especially, pacifist and opposed to expenditure on armaments as she also was, could not be expected to find this type of argument attractive.

Canadian pacifist opinion was also both aware of and repelled by another motive for Imperial Federation, namely, to form an Anglo-Saxon bloc to counterbalance the rising menace of German rivalry, which, asserting itself in the eighties in the commercial sphere, spread to the Navy itself in the years immediately preceding the Great War. It was believed that Federation would increase the impressiveness and durability of the British Empire.

If consistency is the virtue of small minds, the advocates of Imperial Federation for the cause just given, did not suffer from this manifestation of mental constriction. They stated at one and the same time that the Empire was the product of the genius of the British race and that they had fears about its future without Imperial Federation, which seemed to offer the prospect of continued Anglo-Saxon supremacy. Federation was to be based on blood as the magic cement, but was nevertheless to be reinforced with the steel framework of a rigid constitution. As Mr Norton Griffiths put it —

You have to get them to co-operate with us if you wish to maintain the supremacy of the British race for without their co-operation you are not going to maintain it as it has been maintained in the past.¹

The best answer to this type of talk comes from Canada. Professor Wrong exposed its fallacy in a noble passage which, apposite when it was written, doubly merits quotation to-day —

A racial nationalism (he wrote) involves either isolation, or the supremacy of a dominant race in a mixed state. The wonder worker is thus not race but liberty. Let us dismiss forever the superstition that there is any magic in race to hold people together and effect political unity. In the present war the most determined and irreconcilable opponents are two great states of the same Teutonic race. It is partnership in common liberties which unites people. The growth of the new nationalism in the British Empire is just a growth of liberty.²

It was from Canada, too, that both at the 1911 Conference and later the greatest suspicion of Imperial Federation schemes continued to come. The Conference itself was preceded by a

¹ 19th April, 1911 979

² *American Historical Review* 1916-17 Article on *Nationalism in the British Empire* p. 51

petition signed by nearly three hundred members of Parliament, mostly Conservative, advocating an Imperial Advisory Council. At the Conference Sir Joseph Ward, the New Zealand Premier, suggested an Imperial Council and an elected Imperial Parliament. Canada was as usual opposed and on the usual grounds, and also to Harcourt's alternative suggestion of a standing consultative committee consisting of the Colonial Secretary and the permanent and political under secretaries, together with High Commissioners or other representatives of the Dominions.

The advocacy of Imperial Federation nevertheless persisted in Britain. In 1911 Lord Rosebery at a public dinner stated that he regarded the Conference as the germ of a mightier Imperial Council representing the United Empire in a definite and permanent form,¹ showing that, although he had stated that the Empire would survive without formal Federation,² he continued to hanker after it.

The War both increased the popularity of the Dominions, because of the help they gave, and revived suggestions for Imperial Federation which had receded into the background in the years immediately before the War. Especially after 1916 it was warmly sponsored by *The Round Table*. But in the early days of the War the British Government clearly showed that the help of the Dominions was more welcome than their advice. The Conference of 1915 was significantly called off, in spite of the protestations of members that it should be summoned, and it was only on the occasion of a visit to London of the Canadian Prime Minister that he was invited to sit with the Cabinet.³ Harcourt, the Colonial Secretary, implied the fatuousness of a normal Conference with its "miscellaneous resolutions, protracted sittings, shorthand reports and resulting Blue Books."⁴

A number of members pressed continually for greater consultation with the Dominions both as regards the prosecution of the War and the terms of the Peace.⁵ With a new understanding of Dominion sentiment, too, members began to express the opinion that when the Dominions lent their aid in the War, they

¹ *The Annual Register* 1911 p. 142.

² See ante p. 279.

³ See H.C., 7th July 1915 378.

⁴ 14th April 1915 17.

⁵ e.g. 21st July 1915 1519 and 1526 (Messrs. T. P. O'Connor and Mackinder). H.L., 29th November 1916 745 (Lord Beresford).

were helping not Great Britain but the Empire in which Great Britain must remember to include herself¹ Showing more penetration than Lord Caldecote who, as Dominions Secretary, cabled thanks to South Africa for assistance in the present war, a few members during the last war pointed out the unsuitability of expressing gratitude²

Pressure from members of Parliament, together with the fact of the considerable help given by the Dominions, whose growing nationalism demanded increased recognition, made it essential that the desultory and none too serious consultation between Great Britain and them should be turned into something real and active When Mr Lloyd George, therefore, assumed office he did no more than act on the needs of the situation when he stated that

the Dominions ought to be more formally consulted as to the progress and course of the war as to the steps that ought to be taken to secure victory and as to the best methods of garnering in the fruits of their effort as well as our own³

He summoned all the Dominion Premiers by a cable to each Governor General saying, "Your Prime Minister will be a member of the War Cabinet"⁴ As Lloyd George himself said, when closer co operation came, it came not by design but out of the necessities of the case⁵ And, he might have added, it came in a manner which suited the Dominions better than the Mother Country They were in a position of influence, without the restraints which formal federation would have involved and which Britain at this stage was wise enough not to attempt There were two representatives of each Dominion except Newfoundland, and of India, as well as British Ministers connected with foreign affairs, defence, India and the colonies It was decided that each Dominion might keep a Minister of Cabinet rank in Great Britain to sit in the Imperial War Cabinet, thus giving formal sanction to a suggestion often made before that Dominion Ministers should be resident in England

To Lloyd George the Imperial War Cabinet was a landmark in constitutional history⁶ Later he said that the presence of

¹ e.g. H.L., 29th November, 1916 745 (Lord Beresford) 17th November 1918 2577 (Mr Bonar Law)

² 19th December 1916 1355

³ G. M. Wrong, *Can Hist Review* 1920 pp 15-17

⁴ 17th May 1917 1790

the Dominion Prime Ministers had been invaluable to him.¹ Lord Curzon said that the Dominions had not been invited as a mere complimentary recognition of their services but had been called to have a voice in the prosecution of the war and the peace terms.² Here it seemed was the solution of the oft quoted and oft misunderstood dictum of Laurier's,³ dating back to 1900, "If you want our help you must call us to your councils." It was decided that after the war meetings of the Imperial War Cabinet should continue. Lloyd George favoured the continued existence of the Cabinet, with annual meetings, and representation in between sessions by other Ministers. Everybody assumed that the Imperial Conference, which at its 1917 session was of far less importance to the Dominions than the sessions of the Imperial War Cabinet, and is famous chiefly for the passing of Resolution IX, was now otiose and outmoded and that the Imperial War Cabinet would evolve into the Imperial Peace Cabinet, with co-operation between the units of the Empire growing ever closer. If it appeared to suit the Dominions, it seemed increasingly promising to Great Britain because this scheme omitted the need for responsibility of this Imperial Cabinet to an Imperial Parliament. *The Times* expressed approval,⁴ and among the many in Britain who gave the development their blessing were Sidney Low⁵ and Viscount Milner⁶ and in Canada Professor Wrong.⁷

When the 1921 Conference met, comparatively few Dominion voices were raised against turning it into the Imperial Peace Cabinet,⁸ as the British Government originally intended, and only an occasional voice in the British Parliament,⁹ to silence which the old name of Imperial Conference was resumed. Even then, as Dawson points out,¹⁰ the delegates, backed by some responsible Dominion opinion,¹¹ were themselves so agreeable to closer

¹ 7th August, 1918 1416

² H.L. 7th February 1917 27

³ See *post* p. 342

⁴ *Op cit* 2nd January 1919

⁵ *The Nineteenth Century* August, 1917 p. 236

⁶ H.L. 17th June 1920 681

⁷ *Can. Hist. Review* 1920 pp. 15 *seq.*

⁸ *The Round Table* December 1920 pp. 163 *seq.*

⁹ 30th May 1921 568 (Mr Hurd)

¹⁰ *The Development of Dominion Status* p. 41

¹¹ *The Round Table* December 1920 pp. 163 *seq.*

co-operation that the decision that Resolution IX need not be carried out implied that it was being carried out in the Peace Cabinet

It is of interest both that the Dominions should have been so amenable and that it was the Liberals chiefly in Britain who should have been responsible for this development. Perhaps the attitude of the Dominions is largely explained by the fact that they had less suspicion of the Liberals than of the Conservatives because the Liberals had always consistently advocated Dominion autonomy. It is also a striking fact that if from the Conservatives came the most harshness, in their ranks was also Mr Amery, and other less distinguished men, whose outlook was generous. Mr Amery, soaked in the atmosphere of the Dominions, has indeed always been quite outstanding in Parliament as a whole in his conviction in their good faith, whatever the appearances might be. He,¹ and those who thought like him,² had little confidence in anything that smacked of federation. Co-operation, they held, must depend on the real, if informal, and not neatly taped off ties of affection, and that similar traditions and experience enabled the statesmen of different parts of the Empire to work together harmoniously when necessary.

If the Dominions were amenable in 1921, the Disarmament Conference at Washington, the Chanak incident, and the Peace of Lausanne brought the delegates to the 1923 Conference in a different mood. They realized that the British Government had failed to put into practice the definition of themselves as not only equals within the British Empire, but also equal with other nations outside the Empire.³ It now became abundantly clear that an arrangement which worked very agreeably to themselves during a war, with the British Government pleased to consult them, might not work nearly so well in peace time with the Foreign Office back in its old desire to keep all decisions and even up-to-date information in its hands. For the first time at this Conference no reference of any kind was made to a scheme of closer co-operation, which was henceforth dropped. This had failed even in its most promising manifestation, that of an Imperial

¹ 30th July 1919 2185

² 21st July, 1915 1529 (Mr Ponsonby) H.L., 17th June, 1920 676 (Lord Charnwood), 17th June 1921 858 (Col. Wedgwood)

³ 30th July, 1919, 2185 (Mr Amery)

Peace Cabinet, because, to quote Dawson once again, it had been 'based on a supposedly weak Dominion nationalism which was later found to be strong and a supposedly strong Imperial feeling which was later found to be weak' ¹ Lloyd George never forgot his lesson and after the Chanak affair he always decried formal union ² ~

Labour assumed office in the following year. Right up until then, they had tended to display the old fear of all intra-Imperial Conferences which might be used by the Government to commit Britain without the consent of Parliament. To Ramsay MacDonald the Imperial Conference could become 'subversive of our rights of self government' ³ Through the same fear, as well as the practical difficulty that a change of government after a Conference might lead to a jettisoning of resolutions, there were constant suggestions, mostly from Labour members, that the Opposition of Home Country and Dominions should be represented at Conference. No sooner had Labour taken over office than they suggested a constitutional conference, or a special meeting of the Imperial Conference, to consider the problems of foreign policy and imperial interest and asked the opinion of the Dominion Governments also on the representation of the Opposition. To both the suggestions of a constitutional conference and the representation of the Opposition Canada was opposed but agreed to a meeting for the discussion of problems. The fall of the Labour Government put an end to this.

That the decisions of the 1926 Conference were of exceptional importance and implied the end of the hopes of Imperial Federation for once and for all was not perceived by many both in and out of Parliament. After all, the wording of the Balfour Report was not strikingly new. In the previous year it had been pointed out in Parliament that the Dominions were not "our" Dominions but "the King's" Dominions ⁴ Members did not show any noteworthy resentment at having no time set aside for a discussion of the Report and the member who was most insistent in his condemnation of the Athanasian qualities of the Report and who clamoured for time for discussion, Sir J. Marnot, still suggested

¹ R. M. Dawson, *The Development of Dominion Status* p. 54.

² 29th July 1924 1936.

³ 15th January 1924 92.

⁴ 23rd March, 1925, 137 (Mr Sinclair)

some scheme of organic union¹ Mr Amery showed that he both realized its significance and welcomed it. He pointed out —

If there be no wish for unity there is nothing to-day to preserve it.²

The detailed application of the Report which the 1929 and 1930 Conferences were responsible for was given legal force by the Statute of Westminster. If anything was needed to show that the evolution of Dominion status was inherent in the conditions of the Empire and was not dependent on the policy of any British party it was that the Report, drawn up under the chairmanship of a Conservative, was made applicable to the details of Dominion autonomy by Conferences held during a Labour administration, and finally given legal form by the National Government.

The Statute of Westminster administered a great shock to Parliament which for once honoured Dominion affairs with fairly full Houses. It was obvious that most of the members had been completely unaware of the changes which had been steadily taking place, but this does not explain all. Even those who regularly attended debates on Dominion affairs, or had held office in the Cabinet, as often as not expressed strong disapproval, and attempts were made to blame Labour for it as a means to the disintegration of the Empire.³ One of the Statute's most outstanding opponents was Mr Churchill, who among other things had been Colonial Secretary. Only a few could welcome a Bill which, in the words of Mr Amery, recognized that the Dominions were

Imperial nations which have arisen gradually to a position and a sense of Imperial responsibility like ourselves.⁴

Members as a whole showed that they consented to the passing of the Statute unamended only because the party managers made it clear that they should. Lord Buckmaster best expressed what seemed to be generally felt —

Everyone must support the Bill who desires to avoid giving offence to our great Dominions but I deeply regret that the Bill has become necessary.⁵

¹ 29th June 1927 505

² 29th June 1927 540

³ 20th and 24th November and 7th December, 1931. Also H.L. 29th November 1931

⁴ 24th November 1931 273

⁵ H.L., 26th November, 1931, 198

To-day it remains as true as it was when Salisbury, fifty years ago, spoke of the enigma of inviting the colonies to share in the responsibilities and privileges of the Empire in such a manner as not to disturb the constitution of Britain or of the colonies.¹ Apart from the technical difficulties Dominion nationalism makes any attempted solution along the lines of Imperial Federation impossible. We have learned to understand that this does not spell the imminent dissolution of the Empire. Mr. Amery showed what might be done by not just expecting the Dominion representatives to come to Britain but by himself making fairly long tours of the Dominions. He thus made equality more of a reality and did it in his own words, by depending less on constitutional machinery than by developing existing methods.² It might be well to have Imperial Conferences in the Dominions, as has sometimes been suggested.

It is pleasant to quote on the subject of Imperial relations an opinion which the passage of a quarter of a century, constitutional changes of the most profound nature, wars and economic upheavals have failed to falsify —

I believe (said Mr. Macmaster in the House of Commons) there is sufficient resource, imagination and sound commonsense left in our race to devise means by which the integrity of our Empire may be preserved, and that the Mother Country acting in concert with our great Dominions whatever form of Government they may adopt will continue the mainprop of freedom the defender of the smaller nations and the preserver of the public law of the world.³

¹ C. Tupper *Recollections* p. 239
² 21st July 1915 1537

³ 27th July 1925 70

CHAPTER II

CANADIAN NATIONALISM AND
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As soon as the idea of allowing the Empire to separate peacefully from the Mother Country was replaced by Imperialism, British statesmen began to itch to retain or resume the metropolitan control over the diplomatic, defence and commercial policies of the self-governing colonies which is characteristic of Crown Colony rule. This is clearly revealed in Disraeli's Crystal Palace Speech in 1872 when he gave Imperialism his formal sanction. He said that the grant of self government should have been accompanied by a system of Preferential Tariffs, a military agreement for the defence of the colonies, by which Great Britain would also be entitled to call for the help of the colonies, and a representative body in the Mother Country for continuous consultation on problems of Empire.

Yet Canada, though in the disadvantageous position of suitor for the establishment of reciprocal economic arrangements, at length obtained Imperial Preference in which the bulk of the advantages were on her side, and she obtained it without any rules for control by any Economic Committee of the Empire. At Ottawa it was *Britain* who agreed not to remove the preference to Canada without her consent.

The explanation is to be found in the strength of Canadian nationalism. This will be made clear if we investigate first, the milestones on the road to Ottawa, second, why Imperial Preference came to be advocated in Great Britain and in Canada, and third, why the attempt to combine Imperial Preference with a system of centralized control failed.

II

MILESTONES ON THE ROAD TO OTTAWA

This history must necessarily be given in barest outline, as the literature on the subject is enormous. It aims at being a chronicle of facts, rather than an interpretation of them, which is left for later sections.

The first step of importance was Canada's adoption in 1859 of Protection which operated equally against British goods. In 1879 Protection, under the name of the National Policy, was considerably extended, and still more so in 1887 when the duties were extended to iron and steel goods. This hit the British iron and steel merchants hard. Meanwhile, in 1878, Canada had obtained the right to impose differential duties.¹

In 1887 the Imperial Federation League formed a Canadian branch which in the following year made Imperial Preference one of the planks of its local platform. In the same year, largely as a result of pressure by the British branch, a Conference was held of colonial delegates who were present in England for the Queen's Golden Jubilee. At this Conference Imperial Preference was warmly recommended by the colonial delegates, although no formal resolution was passed at the meeting which was regarded as purely an informal gathering. Great Britain would have nothing to do with the suggestion.

Canada by no means gave up hope and in 1890 the head of the Imperial Federation League in Canada, Colonel G. T. Denison, went to England with the express purpose of converting British statesmen to Imperial Preference. He records² that after an interview with Joseph Chamberlain he received the assurance that Chamberlain would study the question carefully and, if it had the merits Denison claimed, would adopt Imperial Preference. He, however, extracted a promise of silence meanwhile, because he said that the public was not yet ready for the change. Other statesmen, including Salisbury, were far more non-committal.

In 1892 the Canadian Government requested the British Government to denounce their commercial treaties, in so far as Canada was affected, with Germany and Belgium. These had been signed in 1865 and 1862 respectively, and, unless they were denounced, any preference Canada gave to Britain would automatically be extended to them. The British Government refused the request of the Canadians. Thus it seemed impossible to give preference to Great Britain and accordingly, from a preferential trade arrangement of 1892 between Canada and Australia, Great Britain was excluded. In the same year the Congress of the

¹ See *ante* pp. 75-7.

² G. T. Denison, *The Struggle for Imperial Unity* p. 146.

Chambers of Commerce of the Empire rejected the idea of mutual Imperial Preference by a large majority

In 1894 a conference of all the self governing colonies and Great Britain met at Ottawa to discuss economic relations. The solitary British representative had instructions only to observe and report and to refrain from taking any part. The Conference called upon the British Government to denounce the Belgian and German treaties and passed a strong resolution in favour of Imperial Preference.

Joseph Chamberlain in 1896 addressed the Congress of the Chambers of Commerce of the Empire and spoke in favour of an Imperial *Zollverein*. This would involve Free Trade within the Empire but would leave each member free to impose what taxes it felt fit on foreigners. It also implied that the colonies should not engage in any further industrial undertakings but should leave their markets open to British manufacturers. His attitude to foreigners was more liberal than it afterwards became: he expressly stated that the ideal was to leave the markets of the non self-governing colonies unprotected by any tariffs against them.

In 1897 the new Laurier Government introduced a preferential tariff, whereby Great Britain was given a 33½% preference over foreigners. They then asked for the denunciation of the German and Belgian treaties, instead of suggesting denunciation first, like the Macdonald Government. The British Government could scarcely refuse.

Chamberlain presided over the 1897 Conference, as Colonial Secretary. Whereas at the Conference ten years earlier Salisbury had said that what was wanted was not a *Zollverein* but a *Kriegsverein*, Chamberlain spoke strongly in favour of a *Zollverein*, organized and controlled by a Council of Empire. The colonial delegates, however, among whom the Canadians took a leading part, expressed themselves strongly against Free Trade within the Empire and passed a resolution in favour of Protection, and Preference to Great Britain, promising to do what they could to grant or increase, that Preference. The opinion of the Conference was asked on the denunciation of the Belgian and German treaties and they were unanimous in recommending it. This was promptly acted upon. Now for the first time Canada was no longer bound by treaties made by Britain before her federation and without her consent.

In 1901 the British Government put a "war tax" of 1s a quarter on foreign wheat, from which Canada was exempted. As soon as the war was over, in 1902, this was removed by the Chancellor of the Exchequer Chamberlain, who was moving surely towards a frank adoption of Protection, with the avowed concomitant of taxes on food, was very annoyed at the removal. He made a speech at Birmingham on the need for drawing nearer to the rest of the Empire and warned against letting the opportunity slip because of adherence to "old shibboleths." In 1902, also, the Canadian Board of Trade called on the British Government to grant Canada Preference.

At the 1902 Conference Chamberlain revealed how far he had still to travel before he came over to the point of view of the colonies. He said that the Empire could be self-sustaining, but he wanted this to be arrived at by as near an approach as possible to duty free entry of British goods to the colonies. The Canadian preference, he said, was not much good if it almost excluded British goods. To this Laurier replied that the Preference had conferred an enormous benefit on British manufacturers and the Chancellor of the Exchequer upheld him. Laurier also made it quite clear that he would have nothing to do with Chamberlain's Council of Empire. He pressed for the renewal of the tax on wheat, and the introduction of Canadian food products into Great Britain under a preferential scheme, and promised a larger Preference on British goods in return. He was upheld by a resolution of the Conference.

In 1903 Chamberlain startled the Empire by coming out openly in favour of Imperial Preference, as advocated by the colonies, and left the Government in order to carry on his "crusade." Thereafter Imperial Preference, unlike other issues affecting the Colonies, became a fierce party question. The Liberals opposed it solidly, the Conservatives were divided, the older members still adhering to Free Trade, and the younger ones generally being won over to the cause of Protection. But they would not commit themselves on whether or not there would be, under Protection, increased taxes on food. Both in and out of Parliament Protection became the most vital issue of the day and the Liberals, by their protestations, made it virtually impossible for the Conservatives to do as they would have liked and hold an Imperial Conference in 1905 or 1906, get its support

on Imperial Preference, and use this decision as an argument in favour of "Tariff Reform" in the ensuing election. Instead, the Conference was postponed and an election held first at the end of 1905. This led to an overwhelming victory of the Liberals on the issue of Tariff Reform.

In 1906 the Chambers of Commerce of the Empire passed a resolution in favour of Imperial Preference, by a large majority. When the 1907 Conference was held all attempts by the Conservatives to induce the Government to agree to an "open and unfettered" Conference, and resolutions such as that by the Associated Chambers of Commerce in favour of Imperial Preference, and calling upon the Conference to adopt it, were in vain. The delegates were given clearly to understand that under no circumstances would Britain agree to give up Free Trade. Although the usual resolution in favour of Imperial Preference was passed, Laurier reacted to the new circumstances by not renewing his 1902 offer of increased Preference to Great Britain. He, however, made it clear that Canada had no intention of reducing the Preference to Great Britain and said that the change in Britain, if it came, must be only by the will of the people.

Laurier, failing to achieve reciprocity with Great Britain, decided to improve his relations with other countries and in 1911 the Reciprocity Treaty with the United States was negotiated. Although in Britain the Conservatives accused the Liberals of having actively encouraged this treaty, it is clear that all they did was not to interfere when Canada wished to negotiate it, and allowed, as was customary, the British ambassador in the United States to act as an intermediary.¹

With the Liberals still in office in England in 1911, economic questions naturally played second part in the Conference to political ones. Nevertheless, the Australian delegate moved for closer co operation in the commercial relations of the Empire, and Laurier suggested a Royal Commission to investigate the resources of the Empire, so as to see how closer co operation could be possible. Afraid that this might lead to a recommendation for mutual Imperial Preference, Harcourt suggested the addition of the phrase "consistent with the existing fiscal policy of each part." This was agreed to.

¹ See *ante* p. 283.

In 1917 the Imperial War Conference adopted a resolution which embodied the decision of the Imperial War Cabinet in favour of making the Empire independent of other countries in respect of food supplies, raw materials and essential industries. It therefore suggested that each part of the Empire, having due regard to the interests of the Allies, should give specially favourable treatment and facilities to the produce and manufactures of other parts of the Empire. Thus in theory the Dominion point of view was victorious, but the practice was far behind, although a limited amount of Protection was introduced in 1919.

Even those interests most affected were far from being convinced. In 1923 the Committee for Inter-Imperial Trade of the Federation of British Industries reported that the economic difficulties of Britain could not be settled just by the development of trade with the Dominions. For the full development of Inter-Imperial Trade, it maintained, a restoration of normal conditions in other parts of the world, which in fact had been large purchasers from the Dominions, was necessary.

The 1923 Conference did not do much to foster Imperial Preference. The 1917 resolution was reaffirmed and the British Government agreed to give preference to the Dominions, by imposing taxes on certain limited categories of foreign goods. The suggestion for the formation of an Imperial Economic Committee, to be responsible to all the Governments represented in the Conference, was dissented from by Canada, though it guarded against the possibility of a majority decision by the rule that no reference to another part of the Empire should be made to the Committee without the consent of that other part. Canada would have preferred *ad hoc* committees of specially qualified personnel. Thus did Canada reveal how great still was her fear of any central body over which Britain might gain an uncomfortable degree of control.

The 1923 election in Great Britain was largely fought on the issue of Tariff Reform. Its unpopularity was revealed in the defeat of the Conservatives. The Labour Government refused to carry out the preferences agreed to at the 1923 Conference but these were granted by the new Conservative Government in 1924. When Labour returned to power in 1929 they agreed to maintain the preferences already in operation for a period

of three years. Before that period expired the National Government had come into power in 1931.

At the 1926 Conference economic relations were scarcely touched. Meanwhile the movement for Protection was gaining some foothold in spite of the opposition to taxes on food. In 1930 Lord Beaverbrook began an agitation for the so called (in reality anything but) Imperial Free Trade, with duties on raw materials and food from countries outside the Empire. This followed the 1929 election at which all parties were pledged not to introduce legislation which would increase food prices. Beaverbrook's idea was that a referendum should be held before the imposition of any taxes. His United Empire party showed signs of becoming a nuisance to the other parties. Then in 1930 the Economic Committee of the Trade Union Congress reported, and the Council of the Congress adopted a resolution, that Britain could no longer be economically isolated, but should form some "economic group," preferably a British Commonwealth group.

There was considerable interest, as a result, in the outcome of the 1930 Imperial Conference. Canada, in the person of Mr. Bennett, suggested that, in exchange for certain preferences to Canadian goods, Canada would add a further 10% to the tariff on foreign imports. The tariff would not be further lowered for Great Britain. As only a few months previously the duties on certain classes of British goods had been steeply increased, the British Government showed little liking for the scheme or for Mr. Bennett's threat that an unfavourable answer might lead to the loss of such preferences as still remained to Britain. Mr. Snowden continued firm in his opposition to taxes on food. The proposal was referred to various departments for further examination and the upshot was that no decision was arrived at, the Conference being adjourned to Ottawa. This suited Mr. Baldwin admirably. He adopted Mr. Bennett's offer with enthusiasm and the Conservative party thus found itself more or less committed to Lord Beaverbrook's scheme without the inconvenience of the referendum.

Before the Ottawa Conference met, the British Government introduced the Abnormal Importations Act, which, though only to operate for six months, was definitely Protectionist and taxed not only many items of daily use but also fruit and vegetables.

The quota system was also introduced. Britain entered into what Mr. Amery has characterized as "a twilight atmosphere between Protection and Free Trade"¹. For the National Government went to Ottawa with far less zeal for out and out Protection than the unwary may have expected from Mr. Baldwin's pronouncements in 1930. They pointed out that while about 30% foreign goods entered Britain duty free, and 90% Empire goods practically no British goods escaped the tariff in Canada.* They desired the lowering of Canadian tariffs sufficiently to enable British goods to compete reasonably with Canadian, so that the Canadian market might compensate for others lost through the War. Clearly the need to find as many markets as possible and the fear of punishment by an electorate if its food was taxed, were very fresh in the mind of the British delegates. Yet the agreement between Britain and Canada, as finally drawn up, and which caused endless trouble to carry out, stipulated that Britain should continue to give Canada exemption from the general *ad valorem* duty of 10% imposed on many foreign goods, that the 10% preference should not be removed without the consent of Canada, that the agreement should last for five years, after which it could continue, subject to six months' notice of termination on either side. The British Government would also have preferred the establishment of an Imperial Economic Committee to co-ordinate and control the various agreements, but Canada insisted on, and obtained instead, a series of bilateral agreements.

III

WHY IMPERIAL PREFERENCE WAS ADVOCATED IN GREAT BRITAIN

Imperial Preference was a veritable watershed. It was advocated by some because they believed in its merits *per se*, by others because they saw in it a means to the "consolidation" of the Empire, by others as a means to the adoption of Protection, and by still others as a lever by which to stir up an enthusiasm for the Empire which would serve their own purposes. These motives were often mixed. Sometimes, for example, a statesman

¹ H.C., 7th May 1940 II 40

* *Contemporary Review*, October 1932, p. 399

might desire Imperial Preference partly for the sake of giving Britain control over Canada's external policy and partly because he personally had business connections with Canada, which he believed would prosper more under Preference. Or an investor might at one and the same time be using Imperial Preference as a means of arousing enthusiasm for the Empire so that the Government would be popularly supported in annexing regions where his interests were and also as a stepping stone towards the Protection of home industries in which he had invested another portion of his funds.

But let us be more explicit, leaving for a later section of the chapter the study of Imperial Preference as an instrument to organic union. The reasons why Imperial Preference was advocated in Great Britain will now be investigated under the following heads —

- (1) Imperial Preference desired *per se*
- (2) Imperial Preference as a short cut to Protection
- (3) Imperial Preference as a smokescreen for Imperialism
- (4) Other motives for the advocacy of Imperial Preference

(1) *Imperial Preference desired per se*

The British export trades had definite ground for alarm in the decline of Britain's trade with her colonies. The decline was in percentage rather than in volume which, indeed, increased slightly, while the volume of the foreign trade increased far more rapidly.¹ Even though trade with the colonies was always considerably less than foreign trade, it was nevertheless considerable and the dwindling of it could by no means be viewed with equanimity. In the period 1856-9 the colonies had imported 46.5 per cent of their imports from Great Britain. These sank to 39.8 per cent in 1868-1871 and to 32.5 per cent in 1896-9.² It was hoped that Imperial Preference would put a stop to this decline, although it was notable that even after the 1897 Canadian tariff, which undoubtedly benefited British trade, the actual volume of Canadian trade with foreign countries increased more rapidly than with Great Britain.

I see no reason why the sincerity of the desire for Imperial Preference should be called into question on the grounds given by Hobson,³ namely that only one sixth to one fifth of British

¹ J. A. Hobson *Imperialism*, p. 34

² J. A. Hobson, *op. cit.*, p. 28

labour was being used in making commodities for export to foreign countries and colonies combined and that this could have found a home market if wages were higher. It would be too much to expect capitalists to get rid of their surplus manufactures by raising the purchasing powers of their employees. One does not gather grapes from thorns nor voluntarily increased wages from big business. It is not in the nature of the capitalist brute to seek a solution along those lines.

Subsequent events, too, have borne out the contention that after mutual preference had been introduced, there would be an increase of trade between the Mother Country and colonies, although the increase is not as striking as was probably expected.

	<i>Imports into Great Britain from British Possessions</i>	<i>Exports from Great Britain to British Possessions</i>
	°.	°.
1855-9	23.5	31.5
1900-3	20.7	37.0
1913	24.9	32.9
1931	28.8	41.1
1933	36.9	41.8 ¹

(2) *Imperial Preference as a Short Cut to Protection*

The institution of a system of Preference to the colonies by Great Britain involved a fundamental change in her whole fiscal policy. Being a Free Trade Country, she could not give Preference to Canada without imposing duties on foreign goods, and quite obviously, therefore, the movement for Imperial Preference would never have succeeded had there not simultaneously been a movement for the restoration of Protection in Great Britain.

The Mercantile System had coincided with Britain's supremacy in the carrying trade. With the Industrial Revolution, however, Britain's economy came to rest on a different basis and consisted in finding as large a market as possible for her ever increasing supply of manufactured goods. Thereupon Free Trade became gospel and in its heyday was upheld by all parties.

True, the great landowners did not see eye to eye with the new manufacturing classes in this matter and would have preferred to retain the Protection of the old Mercantile System, but the

¹ J. A. Hobson, *op cit.*, p. 32.

Industrial Revolution involved the replacement of the land-owners as the chief political force in the country by the manufacturing classes. So the power of the great landowners was eclipsed until the break-up of the Liberal party in 1886 again amalgamated them with the large manufacturers, after which the decline of Free Trade was inevitable.

If Britain had remained by far the chief manufacturing country in the world and the competition of the other countries had remained negligible, there is no doubt that she would have continued true to Free Trade because it was the policy of cheap labour and suited producer as well as consumer. But in the eighties the rapid growth of industries in other countries, chiefly Germany, the United States, and France, convinced the capitalists that the much-vaunted free competition, which was the very basis on which capitalism rested, was somehow miscarrying. To begin with, the rival manufacturing countries were adopting Protection and therefore partly or completely closing many markets to the British. Although Britain's trade still remained considerable, the increase in the powers of production of her rivals, and their access to world markets, proceeded at a rate which first equalled and then exceeded that of Great Britain. Comparing the increase in exports and imports of the United Kingdom, Germany, and the United States between the periods 1883-7 and 1903-7, we discover a great disparity —

	Exports	Imports
	“	“
United Kingdom	41	94
Germany	102	68
United States	294	62

Europe was moving back to the old dilemma of the Mercantile System, of having all sellers and no buyers. The root cause of the evil lay in the nature of capitalism itself. Whenever capitalism has outgrown its first period of rapid expansion, as it was doing in England after 1880, production comes to exceed demand, and much of the capital, failing to find productive employment, is reinvested, thus accentuating the evil, and leading to the vicious circle of increased undertakings and increased over-production. This again causes fierce rivalry between competing interests, the elimination of weaker rivals, and

the formation of monopolies, trusts, and cartels, financed by powerful banks. The only alternative would be to increase the size of the market by forcing down prices to an unprofitable level or raising the wages and therefore the purchasing power of the masses. That this development occurs equally under Free Trade and Protection the history of England clearly shows. It is indeed inherent in a system which divides the national income so as to place most of it in the hands of a small minority.

Britain had sacrificed her agriculture for industry and now found herself with a surplus of manufactures and with her agriculture in a precarious condition. This state of affairs coincided more or less with the new alignment of political groups after 1886. Can it be wondered that the restoration of Protection (which had not been dead, but sleeping) came to be at first surreptitiously, and then openly advocated? Undoubtedly the cause of Protection would have been earlier championed than it was if it had not been for the need to conciliate the newly enfranchised classes. It is significant that in 1887 a society was formed in England for the restoration of Protection.

Although for years afterwards a number of convinced or habitual believers in Free Trade were to be found in the ranks of the Conservatives, the party came more and more over to the Protectionist point of view—making only the concession to their former faith by calling it "Tariff Reform"—until Joseph Chamberlain went on his "crusade" in 1903, after which only a few murmurers remained within the Conservative ranks.

The Liberals, already in an anomalous position after the 1886 realignment, which placed landed property and manufacturers in one party, and robbed them of their customary role of defending the latter against the former, had things made yet more awkward for them by the Tariff Reform movement. Though its immediate effects were a blessing, as it enabled them to win the 1906 election on the "no-dearer bread" cry, it was nevertheless true that, if once the electorate were won over to Protection, they would go into prolonged opposition, as the Liberals of Canada had from 1879 to 1896. From the very nature of Liberalism they could not but oppose Protection. The party had too long been traditionally soaked in Cobdenism, with its belief in the economic interdependence of the nations, and its fear that Protection meant inevitable war, as well as being unfair on friendly (and later

allied) nations. Liberalism stood for reduced taxation by means of reduced armaments, not a new system of tariffs to lighten the burden of additional armaments. Yet the leaders of the party represented the same interests as the Conservatives. It was a house divided against itself.

The Labour party was even more strongly opposed to Protection because, more consistently than the Liberal party, it represented the consumers rather than the producers. The people, as the election results showed, remained solidly opposed to taxes on food and for this reason the Conservatives would not commit themselves on whether Tariff Reform would lead to increased food prices, though Liberals and Labour insisted that it would.

But their opposition, and that of the bulk of the people, to taxes on food was not the only factor which postponed the adoption of Protection. Some 60 per cent of Britain's trade, as we have seen, was still with foreign countries, even in the period 1927-1930 Britain's purchases from Europe increased by £7 000 000 and her exports by £13,000 000.¹ The conviction died hard that trade involved give as well as take and the fear that if Britain adopted Protection this would begin a tariff war. This explains why it was that Protection as such had so great a boom in the early years of the century, coinciding with the industrial depression which followed the Boer War, and petered out into an attenuated existence, kept alive by a few interested groups with the return of prosperity, only to be revived again with the great depression which began in 1929. This alone made the Ottawa agreement possible. Even then, when the British delegates went to Ottawa, their suggestion was for a general lowering of tariffs, rather than a Preference to Canada by means of increasing the duties on the foreigner.

These facts made it necessary for the advocates of Protection to champion it not only under the name of Tariff Reform but also as Imperial Preference. Innumerable speeches were made of the after-dinner type on how much the Dominions had done for Great Britain and how the least that could be done in return would be to grant them the mutual Preference they desired. The members of Parliament who spoke thus gave it clearly to be understood that they were acting merely in the capacity of Aaron

¹ *The Contemporary Review* September, 1930, p. 280.

for the Canadian Moses, who could not speak direct to the British House of Commons

This type of speech coming from the Conservatives, who in other respects had shown themselves so much less understanding of the Dominion point of view than the Liberals, roused immediate suspicion and the Liberals did not hesitate to tell them in speech after speech that they were using the cause of Imperial Preference for ulterior purposes and wanted Canada to pull the Protectionist chestnuts out of the fire for them,¹ or that they themselves were being used by a small but powerful *camarilla*.² Asquith characterized Imperial Preference as "one of the greatest and most disastrous political impostures of modern times"³ To the accusation that they were using the Empire to serve party purposes, the response was nothing more than a *tu quoque* argument, which in itself was an admission of guilt

Labour showed itself even more opposed than the Liberals to Imperial Preference partly because the latter lacked the courage to disavow Imperialism. Labour members always stressed the need of the home market and insisted that as more people lived in Great Britain than the Dominions, they should be considered first. They also emphasized that mutual Preference would benefit not the people of Canada but certain large interests.⁴ They particularly resented the constant Tory appeal to the battle-fields being made as a reason for the introduction of Preference.⁵

An awareness, even by its advocates, that the cause of Imperial Preference was unpopular with the mass of the British people is revealed by the skill with which it was dressed up as Imperial Free Trade, just as Protection appeared under the guise of Tariff Reform. Imperial Preference was, further, defended largely by the pseudo-Free Trade argument that, since the actions of foreign governments made it impossible to have the world as one economic unit, Imperial Free Trade would be the next best thing by making the area of Free Trade as large as possible. They banked on the inability of their audiences to realize the two fatal flaws in this argument, first, that Imperial Free Trade was out of the question,

op. cit. 14th May, 1907 885 (Mr Toulman) and 19th February, 1907 765 (Mr
 soaked)
 February 1909 305 (Mr T M Keule)
 dependence 1911 416
 1919 277 (Mr Clynes)
 inevitable W. 924 1705

since the Dominions insisted that they must still be free to impose taxes against Great Britain, and that the only concession would or did lie in these taxes being smaller than upon foreign countries. Second, the whole system of Imperial Preference was based on the *exclusion* of foreigners and was therefore at complete variance with Cobdenism.

There were still further indications that many of the advocates of Imperial Preference were using it chiefly as a lever to bring about general Protection. As their opponents never tired of asking them if their enthusiasm for the development of the Dominions was so sincere why did their actions not square with their protestations? Why did they not smoke Boer tobacco drink colonial wines (which were not even stocked at the Conservative party's official hotel in Birmingham itself)?¹ Or why did they not lift the embargo on live Canadian cattle, an embargo which had been imposed in 1896 and was not removed in spite of continuous nagging by members of Parliament, requests for its removal by Canadian representatives to Imperial Conference after Imperial Conference, at which the Canadians did not hesitate to hint that the embargo had become a purely protectionist device, however it may have started as a sanitary precaution? Eventually it was partly removed in 1922 after an agitation in Lord Beaverbrook's press, after a favourable report by a Royal Commission and (as a result of much pressure for the opportunity for debate) after a free vote of the House of Commons and against the wishes of many members of the Government. Why, too, in spite of the crying need of the Empire for better communications to bind its parts closer together, were schemes of improvement neglected, so as not to disturb the vested interests of the joint stock companies that controlled the existing arrangements?

(3) *Imperial Preference as a Smokescreen for Imperialism*

The mention of vested interests brings us within sight of another factor which promoted the growth of the Imperial Preference movement.

The very nature of capitalism, that is, the concentration of wealth in the hands of a few, implies, as we have seen, the over-

¹ H.C., 18th April, 1929, 505

production of goods and the overfeeding of capital, for which it is increasingly difficult to find productive channels of employment. Excess capital is therefore inevitably turned into investments and the best place for investments is clearly among backward peoples where wages and the price of land are low and capital scarce, though the more developed self governing colonies have also proved a profitable source of investment.¹ If, however, the backward country in which the money is invested is not under the political control of the metropolitan country, all sorts of complications may arise and losses may be incurred. The state has therefore to be persuaded to annex these lands, a procedure which is not unduly difficult in view of the close connection between politics and big business.² The individual rentier will certainly support a policy, sponsored by great commercial houses and banks, for the "defence" of his investments. Special interested groups who will also lend their sanction to exploitation of the less developed areas of the earth, will be, as Hobson in his *Imperialism* has made clear, the shipbuilding industry, and those dependent on the textile, hardware, munition, and liquor trades, especially when these are concentrated in special areas like Sheffield and Birmingham.

This is no adequate explanation, however, of how Imperialism comes to be uncritically adopted by the mass of the people—a *sine qua non* for the investor. To the people it brings no profit, but involves them in considerable additional taxation, while the investor pockets the profits. Clearly, to induce them to agree an enormous propaganda of misrepresentation is necessary. And this is where Imperial Preference comes in handy. Of course, clumsily handled Imperial Preference might rouse hostility to the Empire, but by means of skilful appeal to sentiment and chauvinism it could be decked out in colours which would pass muster in a young men's improvement class.

Much has been made, and justly, of the charge that politicians glorified the Empire as a means of enlarging their trade. (In the words of *Punch*, the more the Empire expands, the more the Chamberlains contract).³ In another sense it is even more true that they glorified trade in order to enlarge the Empire. The

¹ See *post* p.

² See S. Haxey's admirable book, *Tory M.P.*

³ J. L. Garvin, *Life of Joseph Chamberlain*, vol. iii, p. 613.

chief reason why they wanted the Empire to grow was *not* for reasons of trade, and certainly not for true colonization, but for investments. A few facts will bear this out —

- (a) In the period 1871 to 1900 nearly five million square miles were added to the Empire¹. All, except the Transvaal and the Orange River Colony were backward regions and contained a negligible white population.
- (b) One quarter of the population of the British Empire was added during the period 1871-1900².
- (c) The amount of trade with these areas was very small and did not cover the costs of administration. In 1901, for example 4 per cent of Britain's total exports and 1 per cent of her total imports, were involved with these parts³.
- (d) Between 1865 and 1898 while the national income of Great Britain increased two-fold, income from abroad⁴ increased nine-fold.⁵ Capital invested abroad rose from 3.6 billions of francs in 1862 to 42 billions in 1893 and 75-100 billions in 1914. In 1893 15 per cent of the national income was invested abroad⁶.
- (e) In 1899 the income derived from bondholders was five times greater than the income from foreign trade⁷ and this at a time when Britain was still the greatest trading nation in the world.

The case against the Imperialists seems, therefore, pretty complete. Of course, to assert that the people of England were bemused into holding a spurious enthusiasm for "our" colonies by politicians who were attracted to the Empire by its spectacular aspects, if not its unique qualities as a ground of investments, is not to hold that Imperialism had no other roots than these. The reaction against separatism began in the seventies and the way was paved by the removal of the grievances at maintaining garrisons, by the fact that the prophecies of the separatists were belied in the growing attachment of the colonies for the Mother Country, in the removal of the danger of war with the United States on account of Canada, in the realization that separation would lead not to independence but more probably to annexation of the ex-colonies by aggressive foreigners⁸.

One more caveat. There was one brand of Imperialism which was concerned, unlike the other, chiefly with the self-governing colonies and which found expression in the movement for

¹ J. A. Hobson *op cit.*, p. 18.

² *Ibid.* p. 55.

³ Lenin *Imperialism* (new data) p. 202.

⁴ *Ibid.* p. 140.

⁵ C. A. Bodelsen *Studies in Mid-Victorian Imperialism*, pp. 77 seq.

Imperial Federation which we studied in the first chapter. In its early days as Bodelsen¹ points out, this movement was not in England connected with the struggle for Imperial Preference. Its founders were unknown men, often 'colonials', and at first its programme appealed more to doctrinaire Free Traders, partly because they saw in it a means of getting the colonies to give up Protection. But the other brand of Imperialists soon made attempts to capture the movement and to use it for putting the case for Imperial Preference. It was on this question, as we have seen, that the Imperial Federation League split and then perished.

It is interesting too, to note that in the early days of Imperial Federation, its first prominent members were the Liberals Froude and Forster, whereas later Imperialism came to be associated with Conservatism so that, to quote Campbell Bannerman, Tones spoke of the Empire as if they had invented it,² and in the words of another member of Parliament, treated the Empire as the stage property of the Carlton Club.³

(4) *Other Motives for the Advocacy of Imperial Preference*

Imperial Preference as a step to Protection and Imperialism had other obvious advantages for its sponsors. It would mean shifting the burden of taxation on to the shoulders of the poor by making it indirect, and would thereby lower direct taxation on the well-to-do. It diverted the attention of the public, it used up the time of Parliament and the revenue of the country which might otherwise have gone in social legislation, and when social legislation was mooted it became a stock argument to assert that the Empire was in danger. Naturally, these facts were not revealed to the public with bare faced clarity. Chamberlain and lesser fry, indeed, informed the people that the money raised by Tariff Reform would be spent on Old Age Pensions.⁴ Cecil Rhodes once put the whole case in a nutshell. "If you want to avoid civil war you must be imperialists."⁵ Better by far let nationalism develop in the Dominions, than socialism in the Mother Country.

¹ C. A. Bodelsen, *op cit.*, pp. 77 seq.

² 12th February, 1907, 79.

³ 14th March, 1928, 1929 (Mr. Johnstone).

⁴ *The Empire Review*, 1903, p. 453.

⁵ Lenin, *op cit.*, p. 176.

IV

WHY IMPERIAL PREFERENCE WAS ADVOCATED IN CANADA

Whereas in Britain Protection was smuggled in almost by stealth in the wake of the Imperial Preference movement, in Canada it was openly and for a considerable period advocated as a forerunner of Imperial Preference. To move from Protection to an Imperial Preference which implied only the lowering of duties sufficiently to give Britain an advantage over foreigners, while at the same time continuing a substantial Protection to Canadian industries, was no difficult task. It involved no dislocation of trade and no sharp break with the traditions of the past. In how different a position then was Canada from Britain.

Few things illustrate better the interplay of the forces making for nationalism and those making for closer connection with Britain than the history of Canada's tariff policy. The charms of Imperial Preference in Canadian eyes were that it represented a compromise between these two groups of forces and was satisfying to both heart and pocket.

Canada was not ideally situated for the development of a vigorous nationalism. Opposition to a common enemy has often bound a disparate collection of people into a nation, but that nation has not owed an allegiance to another outside force. Spurning the embrace of America, Canadians were apt to be caught on the rebound by an almost maudlin "loyalty" to Britain. Let us examine in some detail how Canada steered between the Scylla of annexation to the United States and the Charybdis of excessive control by Great Britain, and emerged with a strong, intact national spirit which found expression, among other things, in economic nationalism —

- (1) Sentimental and economic factors favouring union with the U S A
- (2) Sentimental and economic factors favouring closer union with Britain
- (3) Canada's solution—Economic Nationalism and Imperial Preference.

(1) *Sentimental and Economic Factors favouring Union with the U S A*

Sir Wilfrid Laurier once said —

*I am a subject of the British Crown, but whenever I have to choose between the interests of England and Canada it is manifest to me that the interests of my country are identical with those of the United States of America*¹

¹ *The Nineteenth Century*, November, 1911, p. 946

Without doubt, the sentimental ties were strong. Great numbers of Americans had settled in Canada and great numbers of Canadians had made their homes in America. The amount of blood relationship between the two countries must have been enormous. Almost all news of the outside world and most of their newspapers and periodicals came from the United States. Canada spoke largely in the American idiom and played American games. The force of imitation both conscious and unconscious was so strong that when some enthusiastic members of the Imperial Federation League desired to show their loyalty to Great Britain, one of their methods was to introduce the flying of the Union Jack over schools, in exact imitation of the American idolatry of the Stars and Stripes.

Nor were economic ties lacking. In the year 1902-3, for example, Canadian imports for consumption from the United States were \$138,000,000 and from Britain only \$59,000,000.¹ In the period 1897-1903, \$150,000,000 of American money were invested in Canadian businesses.²

The impulse to make the ties closer came from both the American and Canadian sides and we find it expressed in forms which rose in degrees of intensity from the movement for improved trade, to the advocacy of reciprocity, leaving each country otherwise free to control its own tariffs, to the suggestion of complete commercial and even political union. One of the fundamentals of patriotism is clearly exposed by the fact that the Montreal Manifesto in favour of annexation to the United States followed on the loss of trade after the repeal of the Corn Laws in 1849. The achievement of Reciprocity with the United States in 1854 suspended this agitation until the agreement lapsed twelve years later. Thereafter from one side or the other came many abortive attempts to renew the treaty. The Commercial Union movement sprang again into formal and lively existence under Erastus Wiman and Goldwin Smith after the depression which followed the completion of the Canadian Pacific Railway in the eighties. In the 1891 election both parties promised to do what they could to improve commercial relations with the United States.

All sorts of societies sprang up for making closer cultural,

¹ *Contemporary Review*, December 1903 p 768

² *Ibid.*, p 766

economic, and political relations. The Commercial Union movement was given considerable support in America as was the Continental Union Association. The latter, founded in 1890, was more strongly supported in formation and membership from the American than the Canadian side, though some considerable backing came also from ex Britons. Its President was Goldwin Smith and among its members were numbered Andrew Carnegie, J. J. Astor, Theodore Roosevelt and Elihu Root. In their desire for closer relations the Americans made the fundamental mistake of overdoing their ardour and Canada grew coy.

But when Britain refused to grant Canada Preference, Canada turned again to the idea of Reciprocity with the United States and, although the Liberals who negotiated the treaty were badly beaten in the 1911 election, they received considerable backing from the western wheat growers who thus gave a perfect illustration of how the factors of economic interest and non British descent operated together in favour of Reciprocity with the United States. Nevertheless, Reciprocity was defeated and subsequent movements for closer union also came to nought. Canada refused to fulfil her "manifest destiny" and become absorbed in the United States. It is remarkable that she did not escape this fate by becoming a perfidious Britain across the seas.

(2) *Sentimental and Economic Factors favouring Closer Union with Britain*

With the United Empire Loyalists and their descendants "loyalty" (implying zeal for Great Britain) was a conditioned reflex. They suffered for it and they also sometimes achieved very satisfactory results for themselves through it, when they flourished it on every possible occasion. It was chiefly from them that the movement came to counteract closer union with the United States by drawing nearer to Britain. In thinking of them, however, it must always be borne in mind that there were numbers of British let alone French and other "foreign" Canadians, who were not included among the Loyalists.

Their influence was out of all proportion with their numbers, though, because they were so very vociferous. As a reply to the foundation of the Commercial Union movement, a Canadian

branch of the Imperial Federation League was established and its president left no stone unturned to whip up enthusiasm for the Empire. The sincerity of the attachment to the Mother Country of this small group is not to be doubted even though it manifested itself in periodic accusations against the Liberals of plotting for annexation with the United States and in speeches in which Reciprocity with that country was compared with the sale of a wife's honour. The people reacted to this propaganda exactly as desired, and even Parliament occasionally passed irrelevant resolutions of loyalty to the throne and wound up by singing the National Anthem, to the obvious embarrassment, when their attention was drawn to it, of the rather more restrained gentlemen of the British House of Commons.

Of course political parties were not slow to take advantage of popular feeling. Even though the Liberals in the 1891 election solemnly abjured any intention of Commercial Union with the United States, Macdonald won the election largely on the cry, "A British subject I was born, and a British subject I shall die!" The landslide of 1911 was also partly caused by the flaunting of the bogey of annexation. Symptomatic of an astonishing lack of real nationalism was the response to the appeal of Kipling in 1911 against the Reciprocity Treaty, on the grounds of loyalty to Britain. Instead of being regarded as an intolerable interference, it was largely acted upon, as the evidence proves. And consideration for British feelings was not a monopoly of those of British descent. When Laurier gave Britain Preference in 1897, it is said that he did not tell the British Government of his intention beforehand, so as not to embarrass their relations with Berlin.

Undoubtedly this attachment to the Mother Country rested on a sound economic basis. Just as much of the movement for closer relations with the United States can be explained by the amount of American money sunk in Canadian business, so the extent of British capital invested in Canadian commercial enterprises must have made it seem advisable to give every possible encouragement to the "loyalists." It also partly explains why the independence movement never gained any considerable ground in Canada. Apart from business investments, in Canadian Government, Municipal, Railway and Corporation Bonds, the percentage of holdings was as follows —

	United Kingdom	U S A	Canada
	%	%	%
1909	74	3.9	22.1
1910	81.5	1.5	17
1911	76.56	6.58	16.84 ¹

It has been estimated ² that during the period 1905-1910 Great Britain loaned Canada \$605 453 852 in bank shares, war and mortgage bonds, in industrial land, timber and mining investments and public flotations in London.

It will not, therefore, be unduly cynical to assume that just as the Nazi enthusiasm for Aryans has been allowed to run amok because it has served the interests of high finance, so the glorification of the Anglo Saxon in Great Britain and Canada was a pale precursor of this phenomenon.

(3) *Canada's Solution—Economic Nationalism and Imperial Preference*

If there was much that was attractive in the idea of annexation to the United States, on one hand, and in increased co-operation with Britain, on the other, there was much also that repelled. In the sixties the American Civil War had warned the Canadians into federation and Canada had expanded West and North before the needs of the population demanded it, in order to forestall America. In the eighties America was aggressively expansionist and it was not only the French who remembered Louisiana. Annexation would mean incorporation and neither sentiment nor local business interests relished the prospect of absorption and complete loss of identity. The Canadians remembered all too vividly that the United States had attacked Canada during the War of Independence and again in 1813 and had done nothing to restrain the Fenian Raids in the sixties and seventies. America had been unreasonable over the Alaskan reward, and over the Fisheries the dispute was chronic. She indiscreetly boasted of her expansionist aims over Canadian territory. This took all sorts of forms, ranging from the map of 1888 in the *New York World* showing Canada divided into twenty-eight American States,³ to the premature rejoicing of

¹ Cd 8679, p. 10.

² *The R. and T. Table* November, 1910, p. 75.

³ G. T. Denison *The Struggle for Imperial Unity* p. 104.

President Taft over the political union which would follow on the Reciprocity Treaty. All this seemed clearly to justify the fears of those who held that the previous Reciprocity Treaty had been terminated in 1866 as a means of forcing Canada into annexation and it rather put out of countenance those who held that the Treaty had originally been negotiated with the connivance of the South as a means of making Canada so content that she would not throw in her lot with the North. If Elgin had believed that, unless Reciprocity with the United States was established, Canada would be lost to the Empire,¹ others could say that only a separatist Britain would have agreed to the Treaty and that Britain's later hostility to a renewal was caused by her desire to retain Canada.

So it was not only the sentiment of loyalty to Britain that warned Canada off making too close a tie with America. The fears of local business were evidenced by the passing in 1888 of a resolution by the Canadian Manufacturing Association that Reciprocity would be a serious blow to the integrity of the Empire (and, incidentally, their own interests) and by the Board of Trade against Commercial Union.² In the same year the House of Commons, which had in 1870 passed a resolution in favour of Reciprocity, rejected a similar resolution by a large majority. Business interests also doubtless played a large part in Laurier's defeat in 1911, and although American investments in Canadian bonds grew during the War to 64.9% in 1916, from 1.5% in 1910,³ Canadian business was sufficiently firmly on its feet, and national sentiment grown sufficiently strong, to make annexation then unthinkable.

Canadians also had grievances against Britain, and this counteracted any tendency to lean too hard on her. They disliked the Colonial Office, at all events, very definitely and specifically. Many of them resented being expected to contribute to the naval defence of the Empire. They were suspicious of Imperial Federation. They were annoyed over the cattle embargo. There is clear evidence that they disliked the British politician's exhortations to their constituencies to make a sacrifice, so as to give Canada Preference, because Canadians did not believe that it

¹ *Can. Hist. Review* 1932 p. 418

² J. S. Willison, *Sir Wilfrid Laurier* vol. II, p. 129

³ Cd. 8679 p. 10

would involve a sacrifice to the British people but that the foreigner would have to pay. In Laurier we get the clearest embodiment of the Canadian dislike at being used as a pawn in British party politics, and this explains why he so constantly reiterated that the Preference to Britain had been given out of gratitude, without thought of return, and that any change of economic policy towards Canada must be the result of the action of the British people. Although business men may have believed that mutual Preference would benefit them, they did not want their trade wholly tied up with Great Britain. They wanted other markets as well which might offer better chances of expansion than those of Britain.

So it was that there was a tradition of reserve in the Canadian attitude to Britain, a tradition that was reinforced by the belief, which antedated Macdonald's famous statement of 1871,¹ that Britain habitually sacrificed Canada's interests in her dealings with the United States, for the sake of achieving good relations with that country.

Yet Canadian nationalism was too complicated a thing to be explained merely in terms of a balance sheet of the attractions and drawbacks of closer relations with the United States or Great Britain, whereby they cancel each other out. It was no mere passive, neutral thing. It was partly caused by the presence of the French Canadians, which acted as a healthy corrective against excessive attachment to any outside group. True, that to some extent they had the same effect on the non-French as the Dutch have had on British South Africans, and hindered the growth of an all-embracing nationalism, by making the British feel different and better. But in another way they showed the rest of the Canadians how to combine great content at being in the Empire with a vigorous local nationalism. Laurier, especially, exemplified nobly how, what sometimes degenerated into a mere tribalism, could be used as the basis of an extremely level-headed patriotism to Canada, and his influence undoubtedly played a large part in the spread of this spirit. The other non-British element in the population, too, who could not be enamoured of the mere state of being Anglo-Saxon, could and did increasingly understand how to be good Canadians.

Even the British-Canadian attitude was emotionally highly

¹ See *ante*, p. 126

complex. If it was among them that loyalty to Britain was a rallying cry, it was from them, too, that the leaders of the Canada First Party came. Their attitude was in a very real sense analogous to that subsisting between daughter and mother. It had all the ambivalence of that relationship, the irrational tenderness and at the same time the ever ready suspicion that the interference of earlier days might be renewed. If Britain really needed their help they did not fail to give freely, but if she tried to exert control over them they found themselves immediately on their high horse.

Both this jealous concern for rights and the commercial interests of Canada were served by Protection. The only concession made to Free Traders was the bestowal of the deceptive name of National Policy on it when it was considerably extended in 1897. Most Canadians, except those in the Maritime Provinces where there was a natural hankering after mutual Free Trade with the United States, were frankly Protectionist. Jebb's explanation of this fact is readily discounted. It was —

The story of the National Policy is the story of a people distinguishing themselves in an almost unique manner by their deliberate, resolute and sustained rejection of material gain for the sake of preserving a moral ideal, a record to which history can afford few parallels.¹

The National Policy was, on the contrary, a triumph of hard business interests over sentimental regard for the desires of the Mother Country. Undoubtedly the main reason for it was that if Free Trade had been Canada's policy, her young industries would have stood no chance against the competition of the economically more advanced countries, including the Mother Country. The fact that the chief manufacturing areas of Canada lay alongside the Protectionist United States was another inducement to the adoption of Protection. The whole influence of manufacturers, traders, and bankers, whose capital was derived from Canadian sources, would be thrown in on the side of Protection. So strong was the pressure, that Laurier, although theoretically a Free Trader, and a gold medalist of the Cobden Club, won the 1896 election partly by making it clear to the interests affected that he would not introduce Free Trade. Thereupon Protection ceased to be a party question in Canada. The Imperial Preference which was introduced in 1897, and which

¹ R. Jebb *The Imperial Conference* p. xxxviii.

gave British goods a 33½% preference, nevertheless left a sufficient tax on them to give adequate Protection to Canadian manufactures. In the cynical words of Lord Cromer, the policy was the result not of loyalty to Great Britain but to Protection of native industries and exemplified the lines —

*Euphemia serves to grace my measure
But Chloe is my real flame*¹

The way had been paved in Canada for Imperial Preference by its adoption as a plank of the platform of the Canadian branch of the Imperial Federation League in 1888. Its successor, the British Empire League, carried on this policy, although in Britain neither of these would commit themselves, to the intense anxiety of the Canadian President, Colonel Denison, who undertook several "missionary" journeys, without success, in an attempt to bring them round to the Canadian point of view.

Imperial Preference provided a number of attractions. (i) it seemed likely to increase business, a view to which Laurier subscribed. At the 1907 Conference he said that he had introduced Preference to help both British and Canadian trade, that experience had fulfilled his expectations, and that he believed that mutual Preference would benefit both countries still more. Macdonald, we remember, would have liked, for the same reason, to introduce Imperial Preference and was prevented only by the refusal of Great Britain to denounce the Belgian and German trade treaties. Except for the opposition of some manufacturers who thought that the Preference did not give them sufficient advantage over British goods, all the economic arguments which held good for Canadian Protection were satisfied by Imperial Preference, as well as all those which we have investigated on pages 317-19, which made for closer relations with the Mother Country.

(ii) At the 1894 Conference at Ottawa, and subsequently, the Dominions argued that for strategic reasons Imperial Preference was desirable, since it would make the British as nearly as possible one self-contained unit. Strategically, of course, it was advantageous to the Empire that it should be so, though this did not mean that it would necessarily be a workable peace-time policy. Some idea of the ability of the Empire to supply

¹ H. L., 20th May, 1908 227

Britain's needs is given by a knowledge that in the period 1905-1908 the average amount of wheat imported into Britain was 25,000,000 quarters and the quantity of wheat available for export from the Empire at about the same time was nearly 19,000,000 quarters.¹ This does not prevent some of the anxiety expressed by the colonies at Ottawa from having been in the nature of special pleading.

(iii) Imperial Preference would also provide a victory of Canadian opinion and practice over British when it induced Britain to extend Protection, as favoured by Canada, to her own economic policy.

(iv) It would also yield a satisfaction to the tender impulses towards Great Britain and provide a salve for the Canadian conscience, which was not altogether happy over the refusal to contribute towards the upkeep of the Imperial fleet. Imperial Preference, indeed, was a very satisfactory form of conscience money.

V

WHY IMPERIAL PREFERENCE FAILED TO "CONSOLIDATE" THE EMPIRE

If Canadian feelings to Great Britain were a mixture of assertiveness and tenderness, British feelings were far more straightforward. No aspect of Canadian nationalism was understood and the phenomenon itself was deplored. But when it took the form of economic nationalism it completely exasperated British statesmen. The passage of time did not make much difference to this attitude. In the early days of the twentieth century Chamberlain could not understand why the colonies were unwilling to refrain from building up further industries to enable Britain to have an outlet for her manufactures, nor did he appreciate the Preference granted by Laurier which still necessitated competition with an unduly favoured Canadian rival. It was only when he realized that under no circumstances would colonial opinion agree to Imperial Free Trade that he substituted Inter-Imperial Preference.

In 1911 the same failure to understand Canadian nationalism was manifested in the innumerable debates in the British House

¹ *The United Empire*, 1911, p. 251

of Commons on Canadian Reciprocity with the United States. Criticism of the Canadian Government thinly veiled as criticism of the Imperial Government and the British ambassador at Washington was clearly only concealed to that extent to prevent reproval by the Speaker. Mr Thomas, as Dominions Secretary, did not in 1930 even attempt to veil his criticism of Mr Bennett's offer, which he characterized as "humbug".¹ However deserving of this epithet he might have thought the offer, the use of it betrayed complete indifference to the feelings of the Prime Minister of the greatest Dominion, and through him, of the Canadian people. Obviously the explanation lay in the conception of Canada as still a possession, a place which should provide a market for British goods and supply British needs. It ill behoved its inhabitants to put obstacles in the way of the smooth functioning of its supreme purpose.

It is by no means a coincidence that the period in which the Mercantile System flourished was the period of the loss, through the attempts at too rigid control, of the American colonies, that it was only when the movement for Free Trade was growing irresistibly strong that responsible government was granted to Canada and the other colonies—*laissez faire* economics finding its counterpart in separatist politics, and that the revival of Protection coincided with the rise of Imperialism.

The backbone of the Mercantile System was in the Navigation Laws, which did so much to build up Britain's naval and commercial strength by the control of the colonies in the interests of the Mother Country. The loss of the American colonies, followed by an *increase* of trade between them and Great Britain, made a very deep impression on the minds of the British ruling classes. If trade with the colonies was as satisfactory (or more so) were they independent, why bother to retain them as colonies and be put to the expense of their administration and defence?

So all parties came to believe. It was the Conservative Peel who abolished the Corn Laws without even a "by your leave" to Canada, and the Liberal Russell who permitted Canada to adopt Protection, because she would be independent in the near future at all events. Not that it did not go strongly against the grain to sanction this heresy. It had been assumed that Canada would follow Britain's lead and when she failed to do so

¹ 27th November, 1930 1552.

there were many who felt that Free Trade was so admirable that it should be compulsorily extended to the colonies. Until 1887 there was a constant stream of deputations from the Chambers of Commerce to the Colonial Office against duties imposed by Canada. From the Office they received no encouragement though the Office itself felt deeply about the matter and, while scrupulously avoiding actual interference often exhorted Canada to consider the merits of Free Trade, until the time of Kimberley, who was sensible enough to realize the futility of arguing with Canadians in despatches¹. It was Carnarvon who expressed most clearly the attitude which became typical of the British Government in the eighties when he said that Britain could not expect Canada to make sacrifices when she could make no sacrifices for Canada². But though Government speakers increasingly often stated that to remonstrate with Canada was waste of breath, and that Britain's ideas on political economy must not be allowed to hamper the colonies, the British Parliament showed its annoyance over Canada's policy by suggestions that it should refuse to sanction various subsidies as a reprisal for duties which Canada imposed, especially after the fresh Canadian duties of 1887 on iron and steel. At an earlier date Earl Grey had in 1869 threatened separation if Canada continued Protection and in 1872 Disraeli's famous Crystal Palace speech suggested that Canada should not have been left free at the time of federation to formulate her own tariff policy. These sentiments were echoed by others as much as twenty years later³.

If Free Trade England wanted to interfere with the tariff policy of the colonies, how much more would protectionist England. Even in the Inter Imperial Preference, as favoured by the colonies, there were enormous possibilities of a renewal of control over them by Great Britain to make up for what had before been negligently lost. It promised to put the management of the trade of the Empire into the hands of British commercial interests. And, having combined the Empire first for economic purposes into one unit, with the control in a committee and secretariat—which Imperial economic unity logically demanded—chiefly under British influence because of the preponderance of her trade, there would still be more to follow. It might lead to organic

¹ See *ante* p.

² H.L., 27th May, 1892, 23

³ H.L., 17th June, 1887, 380

union in other directions, with the colonies committed to a fixed contribution in men and funds to Imperial defence. The Empire would, indeed, in the words of *The Empire Review*, cease to be a "paper Empire" ¹. Nor must it be forgotten that, with the revival of the Protection movement in England, the peace policy of the Free Traders, with their emphasis on the interdependence of the world, went out of date and talk about the invigorating effects of war upon a nation, quite in the style of Mussolini, became fashionable ². Military aid from the colonies therefore became a most important consideration.

So business and politics were combined in their hopes of Imperial Preference as a means of consolidating the Empire. *The Chambers of Commerce*, having just given up protesting against Canada's system of Protection, began passing resolutions and exhortations in favour of Imperial Preference. Joseph Chamberlain openly said that it was for its help in consolidating the Empire, and all the good which would flow from that, that he favoured Preference. His language is very revealing —

We have an Empire (he wrote) which, with decent organization and consolidation, might be absolutely self sustaining ³.

His failure to achieve his object, and the warnings of Dicey ⁴ and others that the mere mechanical difficulties of consolidation were immense, and of Hobson ⁵ and others that the plan would be frustrated through the force of Canadian nationalism which, though suspicious, was not separatist, failed to penetrate the understanding of many in England. As late as 1930, for example, Lord Melchett said —

We have, perhaps, in an excess of reverence for the rights of self government or self-determination, permitted the developing Dominions to carry out fiscal policies of their own without any relation to the economic position of the mother country ⁶.

There was an obsession with the *Zollverein* and the South African Customs Union. These had led to political union and so must all economic unions and, conversely, the absence of

¹ *Op cit.*, 1903 p. 447

² e.g. *The Nineteenth Century* May, 1907, p. 716 and *The Empire Review*, 1910-11, p. 265

³ *The Empire Review* May, 1932, p. 273

⁴ *Contemporary Review* September, 1903, pp. 305 seq

⁵ *Ibid*

⁶ *The Round Table*, September, 1930 p. 759

economic bonds must lead to a severing of political ones. If British economic boundaries had outstepped those of the state, this must be remedied wherever possible by an extension of political control. This was the burden of innumerable speeches and articles and from the development of Dominion status no lesson seems to have been learnt that analogies might be false and that Canada neither intended breaking away nor permitting control of her economic policy. Nor was this obtuseness confined to the older parties. The Labour Government announced in 1924 its intention of setting up an Economic Council of the Empire¹ this in spite of their opposition to Imperial Preference.

Canada was obviously keen to have closer economic relations but *on her own terms*. With more than half her population urban she would not consent to an arrangement whereby she provided a compensating market to Britain for those lost in the War. Nor did she intend going the way of India with her rural areas over populated through the sacrifice of her cotton industry on the altars of Lancashire. Canada would never consent to control by an Imperial Economic Committee, though on the very eve of the Ottawa Conference so little was this realized in England that an article in *The United Empire* stated —

The establishment of an Empire Economic Council, the pooling of capital brains and experience must be the accomplished work of the Ottawa Economic Conference.²

Instead of which the British delegates left Ottawa after committing themselves to an agreement which was in the nature of a very doubtful mouse of advantage to Britain, after those many years of travail. By it Britain's bargaining power with other nations was weakened and her economic policy was made dependent, for a time at least, on the will of Canada.³ Britain must at last have realized that the right of independence in fiscal matters, which was the first to be asserted, was not likely to be the first to be yielded. But though we may wonder at the slowness with which the implication of the experience of George III with the American colonies were realized we perceive, too, that perhaps we are only wise after the event. Even Canadians a century and less before had not understood where the sheer logic

¹ 18th June, 1924. 2256 (Mr Snowden)

² *The Empire Review* June 1932 (Sir R. Hadfield)

³ See *ante* p. 309

of circumstances would lead them. Had not Joseph Howe, the redoubtable champion of responsible government, written comparing Canada with Liverpool and saying that if the Canadian legislature passed a law favouring United States broadcloths and putting duties on British ones, the Governor would say —

Gentlemen you are exceeding your powers. To legislate for your own administration is one thing; to legislate directly against your brethren at home, for the advantage of foreigners is another. This bill must be either modified or rejected or reserved for Her Majesty's assent before it can go into operation.¹

¹ W. P. M. Kennedy *Documents of the Canadian Constitution* p. 501

CHAPTER III

CANADIAN NATIONALISM
AND IMPERIAL DEFENCE

CANADIAN NATIONALISM AND IMPERIAL DEFENCE

In the last two chapters we have seen how, over the general question of Canada's status within the Empire, and on the particular question of her economic relationship with Britain, she entertained one theory and Britain another, and how Canada's point of view won the day. We shall now investigate why, over *contribution to Imperial Defence*, the same thing happened.

The difficulties in formulating and executing an external policy for an Empire which contained a number of separate, self-governing colonies were early obvious. The lessons of history taught that the refusal of the Americans to provide for their own defence led directly to the American War of Independence after Britain had attempted to raise the revenue by means of taxation. It remained as true later as then that no self-respecting, self-governing colony could be expected to agree to taxation without representation. Any representation, if according to contribution or population, would be so small as to be negligible, and even such was begrudged by the British Government and more by the British Parliament with its fears of control passing into the hands of a body not responsible to itself.

We have seen ¹ how difficult it was to persuade Canada even to undertake her own defence and how inadequately it was done. That Canada should defend herself as if she were an independent power was an expectation rather inconsistent with her obvious dependence in matters over which she greatly desired full control. The frequent jibe, too, that she relied on two navies and paid for neither was not altogether fair. The South American states were legally independent and yet they were protected by the Monroe doctrine and they, and the United States, themselves, owed their security in large measure to the preponderance of the British Navy in the Atlantic. The British fleet would be no protection against land attack from the United States of America, if it came,

¹ See *ante* pp. 120 *seq.*

and it seemed increasingly unlikely to come. The Canadians, a continental people, above all realized this and were thus in quite a different position from Australia with her Yellow Peril threatening from over the sea and correspondingly less willing to contribute towards Naval Defence.

With the development of Dominion nationalism the problem took a new form. Strategically, it was obviously best that there should be one fleet for the Empire under one control, one system of training and one tradition. But sound strategy is not always practical politics. It was appealing to two opposing interests to expect the Canadians to learn self reliance and defend themselves and yet oppose, as the British Admiralty did, the setting up of separate navies even in peace time. The Dominions, very naturally, as soon as they became aware of external affairs, wanted their own navies, rather than to contribute to the Imperial Navy, especially as their awakening coincided more or less with the German Naval Expansion craze, which, in its turn, made it necessary to concentrate the best part of the British fleet in the North Sea instead of distributing it, as hitherto, about the Empire. It was difficult for the Dominions to realize that in the ultimate issue victory would depend on the *concentration* of the fleet which could smash smaller navies and prevent them from combining. Thus, though Britain was naturally chiefly interested in her position in Europe, the concentration of the fleet in the North Sea, as the Great War showed, proved decisive for the whole Empire.

Also, as soon became apparent to the Dominions, the possession of a Navy could not go with a policy ready made by an outside body and it is notable that after the 1909 decision in favour of separate navies, a discussion of foreign policy followed swiftly upon its heels as the 1911 Conference. "Inside" knowledge and some measure of control followed inevitably on the decision to have a Navy. *More completely than they had probably realized*, the Dominions, by their choice of separate navies, had chosen also international responsibility and authority. But, again, this could not be exercised independently but only within the established framework.

There were also many practical and technical difficulties. When the Dominions began to consider building, war was clearly not far off. It would take years to build and equip ships and train

men, and Britain would for a time be actually weakened if she had to lend personnel for these purposes. Even then they could not build sufficient ships for adequate defence and would still, after all, be largely dependent on Britain. When the local fleets were built another difficulty would arise because, before the passing of the Statute of Westminster, the Dominions lacked extra-territorial power and Dominion ships outside Dominion waters were under Admiralty control unless given specific authority on each occasion. Eventually, in 1911, an agreement was reached whereby the fleets of the Dominions were under their control when in their waters and under the instructions of the British when in foreign parts. When placed under the Admiralty at the behest of their Governments the ships became an integral part of the British fleet. This latter provision was essential to avoid the fatal effects on strategy of divided command.

If an actual emergency arose real control over policy was not practicable by a number of widely separated, and unequally informed and interested, Governments. Vital decisions must often be taken on little more than the spur of the moment by the Government most concerned, which generally meant Britain. The need for speed, secrecy, and decisive action was entirely in conflict with the possibility of consultation with the Dominions. But here again, the Dominions could hardly be expected, with no real voice over the policy leading to war and the declaration of it, to give full help, while accepting the British decision with a childlike faith and an attitude to the Mother Country of "I know not what the future hath of marvel or surprise, but thy will be done". As Dominion writers often pointed out, if it was immoral to adopt "My country, right or wrong" as one's motto, it was much more so to act on the principle of "Somebody else's country, right or wrong."

So, although it made it very difficult for Britain to act decisively—and of this foreign powers were fully aware—when she did not know what forces would be at her disposal if war came, yet the right of neutrality, if only in theory, was a precious and essential right for a self-respecting Dominion to have.

Legally, of course, neutrality was quite impossible if one accepted the Austrian conception of sovereignty. On the other

hand, if one held that all self governing units of the Empire were equal, it implied the equal right—or absence of it—of any one of them to involve the rest in war

But, theory apart, the exigencies of Dominion politics made Laurier insist after the Boer War and again at Conferences after that, that any participation in Britain's wars was to be determined by the Canadian Parliament unless Canadian soil was actually invaded. What had been the standpoint of only the French Nationalists and most of the Liberals, became far more general after the Great War, and the Peace with its sordid mistakes, and the attempt (over the Chanak affair) to involve the Dominions in a war on which they were not even adequately informed. Thus in 1925 the leader of the Conservatives, Mr Meighen, went as far as to state that an election should be necessary before troops were sent to Europe again, which went beyond the position taken up by the Liberal leader, Mr Mackenzie King, when in Opposition he insisted that the 1921 Conference should not commit Canada to increased military and naval expenditure. Whereas in the Great War the Dominions, though they had nothing to do with the treaties of which it was a fulfilment, had been regarded as automatically at war, and only the extent of their help was considered to be under their control, the present war, coming after the Statute of Westminster, left their participation theoretically optional and, incidentally, Canada's delay of a week in declaring war proved useful to the Allied cause.

The right of neutrality, of course, was not the only legal impossibility which came to pass. It was equally clear that the different parts of the Empire could not each carry on its own diplomatic and foreign policy and still remain within the Empire. Yet Canada had successfully, in the teeth of strong British opposition, claimed the rights (a) to have a separate representative at Washington and elsewhere¹, (b) not to be bound by British commercial treaties without her own wish since 1877 and the right to withdraw separately since 1899, (c) not to be bound by British non-commercial treaties without her wish since the 1907 Conference, and after 1921 the approval of the Dominion Parliament was also necessary, as exemplified by the Peace Treaty and Canada's delayed ratification of the Treaty of Lausanne in 1924, because these terms were not complied with, (d) to sign

¹ See *ante*, p 126

separate trade treaties since 1893 leading to the reduction of the signature of the British representative to a mere formality by 1907 and its total omission later (e) to sign separate non-commercial treaties since 1907 when Ripon's famous pronouncement of 1895¹ to the contrary was revoked leading at last in 1940 to Canada's direct agreement with the United States to establish a common defence board a fact of far greater significance than any treaty, (f) to have a representative on the League of Nations and other international bodies and standing and *ad hoc* conferences to which a separate invitation is made. These rights were asserted at the Peace Conference after having been previously denied. There was a temporary retrocession over the Naval Disarmament Conference at Washington in 1921 and at the London Conference on Reparations in 1924 but the right was reasserted in 1927 at the International Conference on Disarmament, and later.

Against this substantial and indeed formidable background of insistence on a recognized status as independent nations the continual nagging of British speakers and writers for contributions to Imperial Defence is explicable only on the grounds of an unawareness of what was happening or an obstinacy too great to accept its significance.

II

DECISIONS ON DEFENCE

Let us now review in outline the chief decisions affecting the question of contributions to Imperial Defence.

Canada, refusing all contribution was the chief sinner in an Empire none of whose members spent a proportion of their revenue on the Royal Navy in any way comparable with Britain. To take the figures for one year—1899—as given by Hobson²—

	<i>Self governing Colonies</i>	<i>Proportion to Mother Country</i>
Population	1	3
Revenue	1	2
Value of sea borne com- merce	1	5
Naval Defence contri- bution	1 (less than)	100

¹ C. 7553 (1895)

² J. A. Hobson *Imperialism* p. 333

At the 1887 Conference Britain made the first serious attempt to obtain help from the colonies for Imperial Defence, although many of them already paid some sort of contribution. Canada, unlike the other colonies, refused increased contributions in response to Salisbury's appeal for a *Kriegsverein* on the ground that in 1867 it had been understood that Britain was to see to naval defence and Canada to land defence (in which public works, and especially the Canadian Pacific Railway loomed large in the Canadian mind). Canada met Hofmeyr's suggestion of Preferential Tariffs, the revenue from which was to be spent on Imperial Defence, with silence.

In the years that followed, Canadian national feeling strengthened and spread notably, and Chamberlain's suggestions at the 1897 and 1902 Conferences for an Imperial Council, mainly to deal with the problems of defence, met with an equally cool reception, in spite of Chamberlain's clear indication of opinion that without the British Navy Canada would have to kowtow to the United States, and of his pointed saying at the 1902 Conference, "If the whole strain is to be thrown on one stick, there is very little advantage of putting them into a bundle." Again Canada, unlike the others, refused to increase contributions, quite unmoved by his dramatically phrased appeals.¹ Canada was at this date already contemplating building her own fleet.

Mr Brodrick's suggestion at the 1902 Conference that there should be local armies which could be used for Imperial Defence outside the boundaries of the country where they were situated, was equally fruitless.

In 1904 Mr Balfour reconstructed the Committee of Imperial Defence which had been in existence since 1895. In its new form it consisted of the Prime Minister and those British and colonial Ministers whom he chose to call, as well as naval and military experts. Its relation to the General Staffs of the Admiralty and the War Office was not clear. Doubtless in the belief that by implicating them in questions of Defence, the Dominions would be induced to increase their contributions, M.P.s as early as 1900 had suggested the formation of such a body.² The idea was turned down by Balfour as impracticable, in view of the possibility of its interference with Cabinet Government. When he

¹ See *ante* p. 276.

² 3rd July, 1900: 405 (Mr Drage), 28th January, 1902, 1211 (Mr L. Sinclair).

nevertheless decided to form such a Committee, he emphasized that Dominion Ministers would be invited to attend only on matters considered of special interest to them, of which, apparently, he was to be the judge. He did, however, state that their status in the Committee would be equal to that of British Cabinet Ministers.¹ It was, he later stressed in Opposition, no alternative to the Cabinet.²

Campbell-Bannerman took over the Committee from his predecessor and stated that Dominion representatives would be summoned whenever it was their desire or in the public interest that they should be. But because of their inability to be responsible to the British Parliament it would be singular to constitute them actual members of the Committee.³ At the 1907 Conference it was decided that any Dominion requiring help could ask it of the Committee. The Conference thought that the right of Dominion representatives to sit on the Committee should be recognized and that they should not have to depend on invitations at the whim of the Prime Minister.

Technically the functions of the Committee of Imperial Defence were only advisory and none of its decisions were arrived at by vote.⁴ Not being responsible to the House of Commons it was not supposed to deal with questions of policy, but as its decisions were largely reached by Cabinet Ministers, the House of Commons normally acted on its recommendations.

Sessions of the Committee were held off and on after its foundation and, especially in the years immediately before the War, Canadian delegates, having had their point conceded and been allowed permanent representation, attended many of its sessions. In 1915 the Committee was absorbed by the War Committee, but it was reconstructed in 1920 on very much the same lines as before.

To return to the decisions of the Imperial Conference on Defence. At the 1907 Conference, the Liberal Government, hoping as it was for general disarmament as a result of the Second Hague Conference to be held in the following year, did not press much for increased contributions, and defence questions took a secondary place. Canada was even less willing to contribute than before and more determined to have her own fleet,

¹ 11th May, 1905, 64
² 2nd August, 1906, 1399

³ 2nd August 1906, 1389
⁴ 18th February, 1926, 2095 (Mr. Baldwin)

in spite of the expressed opposition of the First Lord, Lord Tweedsmouth. She felt virtuous at having taken over Halifax and Esquimaux from the Imperial authorities, the cost of whose upkeep would indeed have been a considerable contribution, if paid direct into the Imperial Exchequer. Here was a perfect example of a *Dominion contriving to do its duty to the Empire* in a manner which at the same time satisfied national sentiment.

This sentiment was again revealed in the reception given to Haldane's suggestion of an Imperial General Staff. Canada agreed to its formation only on the explicit understanding that the General Staff must have no independent authority in the Dominions and that, for example, British officers in Canada should be under the Canadian Minister of Defence and not under the British Secretary of State for War. The experience of the Canadian Government during Lord Minto's administration¹ were obviously still rankling. Haldane hastened to reassure Sir Frederic Borden, the Canadian Minister concerned, that the General Staff would be only advisory.

In 1909 occurred the great naval scare which was strong enough to induce New Zealand and Australia each to offer a Dreadnought and the British Liberal Government to call an Imperial Conference in naval and military matters, and the British Parliament to cease for a while its endless quibbling on Imperial Preference and concentrate its attention largely on questions of defence. But at the Conference the Dominions insisted on separate navies and Britain had to content herself with the promise of standardization in all essential matters, and with the subsequent ruling of both Canada and Australia to the effect that their fleets "may" and not "shall" be put under the Admiralty. There was no specific mention of control in war.

In 1910 Sir John French, on the invitation of the Canadian Government, went to Canada to investigate and report on the organization and efficiency of the Canadian forces. In 1911 came a Conference which was primarily connected with Defence.

Ward's suggestion at this Conference of an Imperial Council whose main purpose was to solve the problem of Defence was decidedly turned down by Canada, which saw in it a threat of loss of control over her projected fleet.

At this Conference information was given to its members

¹ See *op. cit.*, pp. 174-6.

through the Committee of Imperial Defence, to which they were all invited, instead of to the Conference as such. The significance of this is well worth noting for in the Committee the status of the Dominions was less than in the Imperial Conference where they were on a basis of undoubted equality with the British representatives and were there as of right. Yet so Austen Chamberlain claimed, uncontradicted, the Dominion Ministers were given a clearer exposition than any given to the Imperial Cabinet on international affairs,¹ and it was the first time that full confidential information of this sort was given to colonial delegates. Previously it was not even considered necessary to inform them unless the matter actually concerned them and of whether this was so the British Government was the judge and one of its spokesmen claimed, for example, in 1911 that events in Serbia could be of no significance to the South African Government.² The Great War, coming as it did, showed the unsoundness of such an attitude and revealed to British statesmen that local knowledge by itself is of little use to the Dominions unless they know how it fits into the whole picture. The obverse of this was equally true though not as palatable to the Dominions, namely, that their responsibilities could not either be localized. Both British and Dominion Governments were slow in understanding these rather elementary facts.

Although Laurier so consistently stated his desire for a local navy, Canadian public opinion was deeply divided on this question. In Professor F. R. Scott's words, 'Canada's real difficulty is not how to co-operate with other nations of the British Commonwealth, but how to secure co-operation within herself'.³ In addition to the masses who wobbled there were the French and non-French Canadian Nationalists represented by Bourassa and Ewart, who stated that coastal defence was sufficient and that Laurier was the tool of British Imperialism. There were also the Imperialists represented by Denison, and on this issue at one with the Conservatives, and also receiving local support from British Columbia which realized its dependence on sea power for reasons of trade. This grouping of interests did not see eye to eye with those who felt the need for naval defence but were opposed to direct contribution as *infra dig*. Indeed, many of

¹ 17th June 1921, 849

² 19th April 1911 986 (Mr. McKinnon Wood)

³ *Canadian Historical Review* 1937, p. 191

them stated that anything less than direct contribution was rank disloyalty. Laurier was thus caught between two fires and his defeat in 1911 was undoubtedly in part due to opposition to his programme for a separate navy, maintained solely at Canadian expense and naval colleges in Canada.

Borden, on the assumption of office, sought and took the advice of the British Admiralty and substituted a Naval Bill which, though actually less expensive than Laurier's would have been to carry out, provided for the grant of £7,000,000 to the British Government for building ships in British harbours, additional to the British plan. These were to be maintained and manned by Britain and were liable to withdrawal at the behest of Canada. Apart from the excitement which the Bill caused in the British Parliament, it seriously shook Borden's Cabinet and led to the resignation of Mr. Monk, who maintained that the Bill should not be put into effect without a referendum. Borden, too, found it necessary, in spite of his United Empire Loyalist backing, to stipulate that the Bill was only a measure to meet an emergency (whose existence the Liberals of Canada denied, stating that they would agree to contribute even more if it really existed). Borden emphasized that in future Canada must have her own navy, built in her own naval yards, and that a voice in Imperial policy must go together with the loan of the navy, to which Britain made a very equivocal response. Here lay the fundamental difference between Laurier and Borden on the question of defence. The former, in order to avoid the obligations of carrying out Imperial policy, preferred to have no voice in it, as he freely admitted at Conferences. To the latter the attractions of control outweighed the disadvantages of being bound by its consequences. Many Canadians failed to see the issue as clear-cut as that and would have liked both a voice in policy and the option of acting on its consequences.

Those who had mistakenly regarded Borden as being *insincere* over his statement that Canada must not merely pay a contribution and have no further say in the spending of it, realized, when in 1917 he protested over the requisitioning of Canadian shipping by the Admiralty, without his permission, that even he in whom the Imperialists put their trust was so imbued with the spirit of Canadian nationalism and under so constant a necessity to placate its manifestations in others, that he could show a disconcerting absence of submissiveness to the British Government.

As a result of the defeat of Borden's Bill by the Canadian Senate, nothing was done, and there was no Canadian fleet to help Great Britain when the War came. The Royal Canadian College, which had not functioned since Borden took office, was reorganized and the Canadian Naval Volunteer Reserve was established. In 1917 came conscription.

The Imperial War Cabinet in 1917 suggested that the Admiralty, after the War, should work out an effective system of defence for the Empire. The British Admiralty recommended a single navy under the control of the British Government both in peace and war. All the Premiers at the 1918 Conference, except that of Newfoundland, were opposed to this suggestion as impracticable. The opinion of the Canadian Parliament was that, as the Australian Navy had operated admirably with the British Navy in the War, there was no need why the British should insist on one Navy as long as there was standardization.¹

The Dominion Premiers expressed a wish for a highly qualified representative of the Admiralty to advise them about their own navies. In 1919, accordingly, Lord Jellicoe suggested that Canada spend annually \$36,000,000 on naval defence, which received a cool, if not suspicious reception, in spite of Britain's offer of a nucleus of a Canadian fleet so that the Dominion should be spared immediate heavy expense. In 1921 a number of ships were accordingly transferred on condition that they were maintained as ships of war, and the Conference of that year postponed discussion on the Navy until after the Disarmament Conference.

At the 1923 Conference it was decided that each Dominion would make its own arrangements for defence and such contributions to Imperial funds as it thought fit. Each Dominion too, was to have its own air force, so arranged as to make co-operation easily practicable.

In the next years Canada remained unwilling to increase amounts spent on defence, especially the Navy, whether local or Imperial, and, although in 1935 she began a series of trans-continental aerodromes and air bases, her preparations for the present war were by no means adequate, owing to the persistence of the pacifism which only gave way, and then surprisingly, at the very last.

¹ Can. H.C. Debates 14th June 1920.

III

BRITISH AND CANADIAN ATTITUDES TOWARDS DEFENCE

It will well repay us to study some of the opinions of representative and responsible Britons and Canadians on the question of Imperial Defence

Whereas it seemed almost axiomatic to Canadian statesmen that Canada could not be expected to contribute to Imperial Defence without a voice in policy, to those of Britain it seemed perfectly reasonable that, as the colonies *belonged to the Mother Country*, and benefited by their connection, they should contribute, and should be content to do so without a share of control. So little was Canadian nationalism understood and so little desire was there to come to terms with it, that when a Canadian regiment was raised on the eve of the Boer War, it was not even granted the dignity of distinctive shoulder straps but was incorporated in a Leinster regiment ¹

The British, feeling no need to make allowances or feel sympathy towards Dominion national sentiment, expected as a matter of course, that the Dominions should be consumed with enthusiasm for the Empire. As time went on, leading Canadians did their best to undeceive them, with some success. Take, for example, Laurier's diplomatically veiled annoyance expressed in the Canadian House of Commons .—

... the fact of our connection—which has its benefits, but which also has its disadvantages—the fact of our connection with the Mother Country not making us free agents ²

Or the less responsible Cartwright's words —

All that Canada owes to Great Britain is a great deal of Christian forgiveness. ³

Before the realization of this attitude began to go home, members of Parliament in Britain could give expression to such opinions as Lord Brabourne's, who stated that Canada desired trans-Pacific liners primarily to afford greater support to the Mother Country, and continued —

Why had Canada built the Canadian Pacific Railway? No doubt partly to consolidate her own strength and develop her own resources but she had other objects, mainly that of increasing the power of Great Britain and binding herself by still closer ties to the fortunes of the Empire ⁴

¹ H C., 28th July, 1898, 342.

² *Annual Register*, 1903, p. 438

³ *The Round Table*, December, 1913, p. 107

⁴ H L., 29th April, 1887, 314-15

The seventeenth and eighteenth century attitude that it was the tropical colonies that counted for their products rather than the temperate ones for their provision of homes for British people, still prevailed, and India still above all dazzled British eyes. The latter class of colonies continued to be valued only as a stepping stone to the East. The Earl of Harrowby could thus approve of the trans-continental railway in Canada because it would provide a third route to India besides Suez and the Cape, and could quote with approval Lord Dufferin's saying that the effect upon the Native mind of English troops reaching India from the East as well as the West would be enormous.¹

Accordingly, it is not surprising to find that no session of the British Parliament went by without several members suggesting in no polite terms that Canada was shirking her plain duty in refusing to contribute to Imperial Defence, and that she should also pay her "fair share" towards the diplomatic services. Even after making allowance for the number of Irish members who used this argument as a means of attracting attention to Ireland's woes, there was a considerable number of members, among them some of the most outstanding, such as Labouchere,² Colomb,³ Lloyd George,⁴ Hore-Belisha,⁵ and Churchill,⁶ who adopted this attitude. The most responsible did not suggest compulsion but hoped to shame the Dominions into larger contributions by frequent references to their shortcomings,⁷ though sometimes suggestions were made by slipshod members that the Dominions should be forced both to contribute more and to buy more British goods.⁸ Outside of Parliament less reticence was felt about recommending this course of action.⁹

After the Boer War, in which the help of the colonies could be regarded as surprisingly fortunate for Great Britain, and which could by no stretch of imagination be regarded as having been waged on their behalf, M.P.s in all seriousness proposed that

¹ H.L., 29th April 1887 311

² 27th July, 1899 553

³ 6th August 1900 841

⁴ 15th February 1921 83 9th December 1924, 83

⁵ 11th March 1923 696 28th February, 1927, 49 etc etc

⁶ 15th February 1907, 371, 26th March, 1913, 1761, 17th March 1914, 1931, etc etc

⁷ e.g. 18th August 1921 1715 (Ormsby-Gore)

⁸ e.g. 29th July, 1926 2431 (Mr Boothby)

⁹ e.g. *The Empire Review*, 1910-11, p. 260

they should contribute towards its cost.¹ To people with such an outlook there could be no justification whatever for consulting the Dominions on policy and the Committee of Imperial Defence was deeply distrusted on account of the attitude of the Government towards it. This body had been entrusted with confidential information which was denied Parliament and might at any time be used by the Government to foist an unwelcome policy on the House.

Distrust was therefore far commoner than mere interest in the Committee and expressions of fear on its inadequacy,² or suggestions for improvement.³ Although the Prime Minister⁴ and others⁵ assured members that the Committee of Imperial Defence would not usurp the functions of the Cabinet, the suspicion continued. To Keir Hardie it was a sort of 'inner military junta to which the foreign policy of the country is to be disclosed, although it is withheld from the House of Commons'. It would, he affirmed, become a real menace to the civil power and authority of the Empire, and the House of Commons would just have to ratify its decisions and find money.⁶

Criticism of these kinds, though not at all lacking in heat and sound, were apt to lack light, and whatever their justification, to become monotonous, especially as it was so very common. It was not enough to point out the obvious danger of important decisions being made by a body, many of whose members were not responsible to the House of Commons, if no solutions were suggested to the problem of enabling the Dominion point of view on defence questions to be authoritatively stated. Rarer, showing more insight, and therefore more interesting, were the grounds given by members for supporting the colonies and their constructive suggestions for improving relations.

Chief among Canada's defenders were Balfour,⁷ Lyttelton,⁸ Wedgwood,⁹ and Austen Chamberlain.¹⁰ There were members

¹ 15th March, 1901, 174 (Messrs. A. Lee and E. Roberts and Sir J. Colclough), 8th March, 1901, 375 (Mr W. Redmond).

² e.g. 15th February, 1901, 66 (Major-General Sir J. Davidson).

³ e.g. 31st October, 1912, 558 (Mr Croft), 11th December, 1912, 452 (Mr McCallum Scott), 26th March, 1913, 1635 (Mr Norton Griffiths).

⁴ 25th July, 1912, 1385.

⁵ 28th March, 1913, 2016 (Mr Gretton).

⁶ 27th March, 1913, 1910.

⁷ 15th February, 1907, 465, 29th July, 1909, 1396.

⁸ 19th April, 1911, 991.

⁹ 17th June, 1921, 853.

¹⁰ 3rd March, 1903, 1259-1261.

who deprecated any attempts to force the Dominions to give help, as such attempts would *disrupt the Empire*¹, members who expressed the faith that the Dominions would always help Great Britain when help was really needed², members, like Dilke, who even ventured to assert that on these matters Canada had her own point of view³, members to whom it seemed undignified that Britain should go *cap in hand to the colonies for contributions* and not worth the friction it caused⁴. Others often asserted that Canada paid her contribution indirectly by granting Britain Preference,⁵ or that the British Navy primarily existed for the defence of British interests and that gratitude for help given, rather than *reproval for the inadequacy of present help*, should be the keynote⁶. An opinion was also expressed which came very near to a grasp of the Canadian point of view that no contributions should be made which would merely make the burden of the British taxpayer lighter, instead of adding to the strength of the Empire⁷. *The British taxpayer, as the Canadians were well aware*, at least had a vote and therefore some voice in British policy. Without this voice contribution very readily assumed in their eyes the humiliating appearance of "tribute".

Canada, said other M P s, had not the same taxable resources as Great Britain⁸. Balfour pointed out that the colonies—which he called "our glory"—not only derived protection from their relationship with Great Britain, but also through that relationship were liable to be involved in Britain's wars,⁹ and that Britain had no rightful claim on them¹⁰. Balfour, indeed, was quite outstanding in his grasp of the Dominion point of view and on another occasion expressed the fundamental fact that the colonies were rightly intolerant of anything which said, "You raise a force and maintain a force and we will tell you what to do with it,"¹¹ an expression of opinion which others afterwards echoed,

¹ 15th February 1905 240 (Sir W. Holland)

² 12th March 1900, 640 and 806 (Messrs. Buchan and Wyndham) 19th April 1911, 991 (Mr Lyttelton) 15th February 1907 469 (Mr Balfour)

³ 21st February, 1902, 769

⁴ 25th February 1902, 1080 (Sir M. Hicks Beach)

⁵ 3rd March 1901 1263 (Mr J. Lowther)

⁶ 2nd March 1904 1531 (Sir E. Vincent)

⁷ 27th March 1913, 1896 (Mr Lee)

⁸ 15th February, 1907 479 (Mr Russell Gray) 1st March 1901 1254 (Mr G. Bowles)

⁹ 15th February 1907 466

¹⁰ 17th June, 1921, 853

¹¹ 29th July, 1909, 1395

and insisted that the Dominions must be given a voice in policy¹

Occasionally, protests were made against Canadian contributions precisely because of the fear that this would lead to her acquiring a voice,² or because it would be unfair to Canada, by giving her a voice, to involve her in the quarrels of the old world³ Which was precisely the point of view of a large section of the pacifists and isolationists of Canada and was often given expression to by Laurier himself

The division of opinion in Britain on contributions to Imperial Defence followed no party lines and every Government had Ministers who spoke for and Ministers who spoke against (but mostly against) Canada for her unwillingness to contribute Government members, no less than others, displayed disinclination to keep the Dominions informed on foreign affairs and the fact that they were taken into the confidence of the Government in 1911 was as much due to their obvious desire and to pressure from such members as Lyttelton⁴ and Ormsby Gore⁵ as to the Government's sense of the fitness of things Even then it is unlikely, as Dawson⁶ points out, if the Government would have agreed, had the Liberals in Canada not been defeated, to be succeeded by the Conservatives under the more amenable Borden At the 1911 Conference Asquith stated that the responsibility of the Imperial Government for foreign policy could not be shared but, after the general election in Canada, he stated that it was reasonable that the Dominions should have some say in policy Thereafter this became the official attitude of all Governments It is just as well that they changed their minds, as to have continued obdurate during and after the War might well have meant the end of the Empire

Though a few M P's expressed approval of the decision of the Dominions to have separate fleets and realized that they could not be expected to hand over their fleets without any control,⁷

¹ 19th April 1911, 981 (Mr Norton Griffiths), 18th March, 1912, 1611 (Sir G Parker), 11th December, 1912, 452 (Mr McCullum Scott), 3rd August, 1916, 542 (Mr Macmaster)

² 28th March, 1913, 1984 (Mr Molteno)

³ 26th March, 1913 1798 (Mr Ponsonby), 24th July, 1912, 1289 (Mr D Mason)

⁴ 19th April, 1911, 986

⁵ *Ibid.*, 965

⁶ *The Development of Dominion Status* p. 155

⁷ 4th July, 1911, 1074 (Sir G Parker), 19th April, 1911, 99 (Mr A. Lyttelton)

it took most members a good deal of reconciling to the new situation. As one writer lamented —

Of what avail are *Dreadnoughts* without hearts of oak on board? ¹

The colonies could not really be trusted and members expressed strong disapproval when Canada took over Esquimalt and Halifax from Britain. It was

a little premature to hand over these places to a semi independent state without retaining to the British Admiralty absolute controlling power in the matter ²

Yet to read debates on the Navy in some ways brings back the old nursery rhyme about the man who could never be satisfied —

When it's cold he wants it hot
When it's hot he wants it cold
Always wanting what is not

For no sooner had Borden agreed to contribute to the Navy than to the few who approved ³ there were a great number who protested because they disliked the manner of the gift. Some felt that the Government should have obtained permission from the House of Commons before accepting the offer of ships from Canada, ⁴ while many others accused Churchill of using undue influence to thrust his scheme on the Dominion ⁵. Keir Hardie and others resented the stipulation that the upkeep and manning of the ships would be at the expense of Britain who would also have to replace them if they were withdrawn by Canada ⁶. Hardie also suggested, when the Naval Bill caused such discussion in Canada, that the British Government should advise the Canadian Government not to proceed any further ⁷.

When the War came and with it the generous help of the Dominions, many British statesmen who before had been all criticism of the Dominions, realized that the Dominions were British at least in their characteristic of disliking to be com-

¹ *The Nineteenth Century*, July 1909, p. 31 (W. F. Lord).

² 6th March, 1905, 520 (Mr R. Lucas).

³ e.g. 31st March 1913, 139 (Sir G. Parker).

⁴ *Ibid.*, 109 (Mr Long), 20th March, 1913, 1762 (Mr Murray).

⁵ 17th July 1913, 1400 (Mr Ramsay MacDonald), 17th March 1914, 1956 (Mr Molteno).

⁶ 16th December 1912, 1088.

⁷ 14th April, 1913, 1621.

mitted beforehand and then tending to improvise when the emergency arose, and rising to the occasion. Then for the Dominions there was for a time nothing but praise, often verging on the lyrical which however was notably given for the *extent* and not for the *fact* of the help, which was taken for granted.¹ On a few occasions before this, members, mindful of Laurier's views, had asked whether neutrality was possible with Britain at war.² The bulk of them, though, took it for granted, as did the Government, that this was impossible.³ Now and again a member would point out that nevertheless the Dominions could not be forced to fight if they thought the cause unjust.⁴

The ready help of the Dominions in the War conveyed nothing more to a large section of British opinion than that the Dominions could be made to pay, and no sooner was the War over and the Dominions were again unwilling to contribute, than members relapsed into the old type of criticism⁵ which, to the Dominions after all they had done, seemed grossly unfair. In the words of one writer, 'the Dominions felt that they had given a new application to Kipling's words, "If blood be the price of admiralty, Lord God, we ha' paid in full".'

If Dominion nationalism demanded separate contribution, at least, or so many in Britain felt, Dominion Governments should pledge their help and the size of their contribution if war broke out in the area assigned to them, for example, that South Africa should guarantee a certain amount of help if there was a war in Egypt.⁷ As before the War, others saw the Dominion point of view that it was not sufficient for the Dominions to be informed of what had taken place and then expected to contribute a blood tax,⁸ and that the War had left the Dominions, as well

¹ 11th November 1914 11 (Mr Middlebrook), H.L., 6th August, 1914 400 (Lord Denman and Lord Emmott), H.L., 16th February, 1916, 4 (Lord Clarendon), 15th February, 1916, 16 (Mr Macpherson).

² 3rd April, 1900 1138 (Mr Heddervick), 29th March, 1900 611, H.L. (Earl of Camperdown) 27th July, 1911, 1810 (Viscount Wolmer), 17th June, 1921, 819 (Mr Bennett).

³ H.L., 29th March, 1900 612 (Earl of Camperdown).

⁴ 15th February, 1907, 469 (Mr Balfour).

⁵ 16th February, 1921 83 and 9th December, 1924 83 (Mr Lloyd George), 18th August, 1921, 1715 (Mr Ormsby-Gore), 11th March, 1923, 2696 (Mr Hors-Belisha).

⁶ *The Round Table*, March, 1925 p. 361.

⁷ 17th June 1921, 804 (Sir C. Townshend).

⁸ 29th July 1926 2369 (Viscount Sandon), 17th June, 1921, 853 (Colonel Wedgwood).

as Great Britain, with a great debt. If Britain failed to defend the Pacific, another nation would.¹

The official attitude was obtuse enough. Even such voice as the Dominions were granted in the Imperial War Cabinet had been forced on them by the strength of Dominion nationalism and the insistence of a few keen M.P.s. The 1915 Conference was called off and till the very end of 1915 no method of close consultation on the War with the Dominions was attempted. It was from individual members that suggestions first came for the formation of a War Council with Dominion as well as British Ministers² and from them too came suggestions that the Foreign Office should be imperialized and "democratized" or that an Imperial Board of Admiralty should be set up with both British and Dominion representatives,³ or that the Committee of Imperial Defence should be revived.⁴ They insisted that Dominion Ministers should be invited to London and consulted on the course of the War and the terms of the peace,⁵ because, in view of the help of the Dominions, it seems almost glaringly peculiar that the entire direction should be in the hands of the Motherland."⁶

After the War the British Government showed that it had hopes that by means of the War Cabinet and its successor, the Peace Cabinet, the Dominions could be persuaded to contribute money rather than advice. This Lord Curzon indicated when he said that Britain's foreign policy was henceforth the policy of the Empire.⁷ Lloyd George had also said that the administration of foreign affairs must rest with the British Government.⁸ Canadians remembered these sayings rather than Lloyd George's rhetorical statement that it must not happen again as in 1914 that the Dominions should be involved in the consequences of a policy which they had no voice in determining, and other speeches from various members on the same emotional plane.⁹

¹ 17th March 1930 1868 (Sir N. Moore)

² 3rd August 1916 544 (Mr. Macmaster)

³ 16th May 1912 1269 (Mr. Norton Griffiths)

⁴ 17th June 1921 837 (Lieut. Gen. Sir Aylmer Hunter-Weston) 15th February, 1921 78 (Maj. Gen. Seeley)

⁵ e.g. 21st July 1915 1519 and 1526 (Messrs. T. P. O. Connor and Mackinder), 11 L. 29th November 1916 745 (Lord Beresford)

⁶ 1st March 1917 2219 (Captain Guest)

⁷ R. M. Dawson *op. cit.* p. 215

⁸ *The Round Table* March 1922 p. 395

⁹ 17th June 1921 835 (Brig. Gen. Cockenill), *ibid.*, 844 (Austen Chamberlain)

It came as a shock to the British Government to discover that some in Canada were clear-eyed enough to regard the Imperial Peace Cabinet as "an imaginary body comprising the British Cabinet and the Dominion Prime Ministers in absentia,"¹ and to see through an arrangement "in which the control of foreign policy by the Dominions is mythical, but the responsibility is very real"² This disillusionment followed on the realization that all the talk about the equality of the Dominions with the Mother Country was intended as a pretty compliment rather than as a statement of a new relationship and a realization, at long last, of Canada's rightful place, though perhaps the interesting point here is not British insincerity but Canadian failure to detect in these declarations of equality the implication of the inclusion of India on most occasions This revealing fact spoke volumes

And if anything was needed to reinforce Canada's mortification, it was supplied by Lloyd George's attempt over Chanak to implicate Canada in an unnecessary war, and Ramsay MacDonald's treatment of the Dominions over the Inter-Allied Conference in London when he withheld the separate representation which was her due, and by his recognition of the Soviet without consulting her

The fundamental difficulty involved in Imperial Defence always has been what it remains to day For the unwillingness of Great Britain to share control and for the divided state of public opinion, time may be relied upon to supply the cure But even with a vast improvement in television, the human make-up is such that the need for physical contact will always be paramount, to enable adequate discussion of vital issues to take place Without that, information itself will become sketchy At the present day various Conferences and Committees in Great Britain, the interchange of High Commissioners, and cables, provide a connecting link unequal to the needs of the Commonwealth

It is therefore unavoidable that vital decisions will sometimes be taken without consultation or even complete information, with the consequent refusal, at times, of the Dominions to be involved in the decision Bound up with this defect in consultation is the undesirable influence it has over the Canadian Parliament which,

¹ John Diefoe in *MacLean's Magazine*, January, 1924 quoted by Dawson, *op cit* p. 278

² John Diefoe quoted by *The Round Table* March 1922, p. 395

being badly informed, must necessarily have rather artificial debates on international affairs, and this, in turn, leaves the public apathetic. The vicious circle is complete.

All this is undeniably true although the British Government claims to send information to the Dominions almost daily by cable,¹ and to make accessible to any accredited Dominion representatives all the secret and confidential information which is accessible to it.² Without doubt except on trivial matters like, for example the Coronation, Dominions, with their small experience of handling international affairs, are hesitant to criticize the considered views of the Imperial Government with its enormous prestige and its previously privileged position. Accordingly they have little enough authority and are not even fully informed by the Foreign Office which is at once busy and not in the least convinced that it is not sheer nonsense and arrogance for the Dominions to do more than acquiesce in its superior judgment. In the words of John Dufor, "consultation consists chiefly of getting diplomatic news by mail long subsequent to its appearance in the public prints."³

The Dominions are uneasily aware that even so wise and generous a statesman as Mr. Amery has stated that Britain has the controlling authority in foreign policy because she is still responsible for nine-tenths of the naval services,⁴ and even though he reassured them that this did not imply inferiority but was also largely the result of Britain's possession of more convenient machinery of diplomacy than the Dominions⁵—a very real fact—they know, as Lord Parmoor said, that this state of affairs is likely to continue indefinitely,⁶ or at least as long as Europe continues to count for so much in world affairs. Yet, with an isolationism in part caught from the United States, Canada has been too content to maintain a negative attitude and to try to keep out of European complications by ignoring them, so that she is partly to blame if internationally she does not count for as much as she might. This does not mean that she, like the other Dominions, while lacking a constructive influence, does not have a strong negative influence over Great Britain. Appeasement undoubtedly owes much in its execution,

¹ 29th June 1927, 529 (Mr. Amery)

² R. M. Dawson *op. cit.*, p. 82.

³ 29th June 1927, 537

⁴ 29th July 1927, 2412 (Mr. Amery)

⁵ 19th July, 1923, 2648

⁶ H. L., 8th August, 1926, 1334

if not in its inspiration, to the Dominions, where Mr Chamberlain's role as a peacemaker was taken very much at its face value. That all the Dominions are in some measure responsible was made manifest in their rejoicings, with scarcely an undercurrent of uneasiness over Munich. The Australian Government's strong approval of the temporary closing of the Burma Road is also a case in point.

Nevertheless the present war must have disappointed almost as many Jeremiahs as the last. Even Canadian pacifism, as the Quebec elections showed, was not proof against the combined commercial, sentimental and ideological motives which demanded entry into the war though it seems clear that ideological motives played a comparatively inconspicuous part. Canada, like the other Dominions, although socially more democratic, has less respect than Great Britain for the right of the individual and less *a priori* dislike of dictatorial methods. Also there is, as we have seen, small knowledge of international affairs, and less understanding of their implications than in Great Britain, where parties of the Left have educated large sections of the public to appreciate that the suppression, for example, of trade unions in Czecho-Slovakia is of direct significance to them. To Canada, of course, all Europe is by mere force of geography really distant, and Czecho-Slovakia is, indeed, a far off country of which she may more readily be excused knowing nothing. Ignorance may provide temporary bliss, but it will never lead a nation to greatness.

APPENDIX A

CANADIAN GOVERNORS-GENERAL DURING THE LAST CENTURY

Governor-General	Education	Previous Career	Party Affiliations	Imperial Government ¹	Canadian Government
Mr Charles L. Poulett Thomson (later Baron Sydenham) 1839-1841		Business. Then M.P., Vice-President and later President of the Board of Trade	Whig	Whig	Governor-General's men
Sir Charles Bagot 1842-1843	Rugby and Oxford	M.P. Under Secretary for Foreign Affairs. Minister Plenipotentiary in Paris, Washington, St. Petersburg and the Hague negotiator in Rush-Bagot Treaty (1817) with the United States of America	Conservative	Conservatives	Governor-General & men** and then Liberal coalition.
Sir Charles T. Metcalfe 1843-1846	Eton.	Long service in India. Provisional Governor-General of India. Lieutenant-Governor of North-West Provinces. Governor of Jamaica	Conservative	Conservative	Governor-General & men.
Lord Cathcart (interim Governor-General)					
Earl of Elgin 1847-1854	Eton and Oxford	M.P. Then Governor of Jamaica	Conservative (Peelite)	Liberal	Liberal then Conservative
Sir Edmund Head 1854-1861	Worcester and Oxford	Tutor at Oxford. Barrister. Poor Law Commissioner. Lieutenant Governor of New Brunswick	None	Aberdeen coalition	Conservative. Liberal then Conservative
Viscount Monck, 1861-1867. Then first Governor-General of the Dominion. 1867-1868	Trinity College Dublin	Barrister. M.P. Lord of the Treasury	Liberal	Liberal re-appointed by Conservatives	Conservative

	Eton and Oxford	M.P., member of Aldermen's Cabinet, High Commissioner of Ionian Islands, Governor of New South Wales	Conservative (Peelite)	Liberal	Conservative
Sir John Young (later Lord Lisgar) 1869-1872	Eton and Oxford	Lord in waiting to Queen Victoria, attaché to Lord John Russell's mission at Vienna, commissioner assisting the British Ambassador at the Porte, Under Secretary for India and the War Office, Chancellor of the Duchy of Lancaster	Liberal	Liberal	Conservative Liberal then Conservative
Earl of Dufferin 1872-1878	Eton and Oxford	Never held ministerial office. Wrote a number of books	Liberal	Conservative	Conservative
Marquis of Lorne 1878-1883	Edinburgh Academy, Eton, St Andrews and Cambridge	Lord of the Treasury, Under Secretary for India	Liberal (later Conservative)	Liberal	Conservative
Marquis of Lansdowne 1883-1898	Eton and Oxford	Grenadier Guards, Civil Lord of the Admiralty, Secretary of State for War and the Colonies, President of the Board of Trade, A.D.C. to Queen Victoria and Edward VII	Conservative	Conservative	Conservative
Lord Stanley (Earl of Derby) 1888-1893	Eton	High Commissioner of the Church of Scotland, Lord Lieutenant of Ireland	Liberal	Liberal	Conservative, then Liberal
Earl of Aberdeen 1893-1898	St Andrews and Oxford	Scots Guards, served in many countries. Then military secretary to Canadian Governor General, Lord Lansdowne	None (Imperialist)	Conservative	Liberal
Earl of Minto 1898-1904	Eton and Cambridge				

Earl Grey 1904-1912	Harrow and Cambridge	Administrator of Rhodesia Director of British South Africa Company	Nominal Liberal (imperialist)	Conservative	Liberal then Conservative
Duke of Connaught 1912-1916	Woolwich Academy	Served in many countries then Commander-in-Chief in Mediterranean	None	Liberal	Conservative
Duke of Devonshire 1916-1921	Eton and Cambridge	Treasurer to H M Houshold Financial Secretary to the Treasury Civil Lord of the Admiralty	Liberal Unionist	Asquith Coalition	Conservative
Viscount Byng 1921-1926	Eton	Hussars Served in many countries also in Great War	None	Lloyd George Coalition	Liberal then Conservative then Liberal
Viscount Willingdon 1926-1931	Eton and Cambridge	A D C to Governor of Victoria M P Junior Lord of the Treasury Governor of Bombay and then Madras delegate for India at the Assembly of the League of Nations	Liberal	Conservative	Liberal
Earl of Beaulieu 1931-1935	Harrow and Cambridge	Barrister member of the L C C M P served in Great War large business interests	Conservative	National Government	Conservative
Sir John Buchan (later Lord Tweedsmuir) 1935-1940	Glasgow and Oxford	Barrister High Commissioner to the Church of Scotland M P served in Great War author of some repute	Conservative	National Government	Liberal
Earl of Athlone 1940-	Eton and Sandhurst	Life Guards A D C to King served in many countries also in Great War Appointed Governor General of Canada in 1914 but did not assume office Governor General of South Africa	None	National Government	Liberal

¹ At time of appointment—irrelevant since 1926

APPENDIX B

COLONIAL AND DOMINIONS SECRETARIES

Lord John Russell	1839-41
Lord Stanley (Lord Derby)	1841-45
Mr Gladstone	1845-46
Earl Grey	1846-52
Sir J. Packington	1852
Duke of Newcastle	1852-54
Sir George Grey	1854
Mr S. Herbert	1855
Lord John Russell	1855
Sir W. Molesworth	1855
Mr H. Labouchere	1855-58
Sir E. Bulwer Lytton	1858-59
The Duke of Newcastle	1859-64
Lord Cardwell	1864-66
Lord Carnarvon	1866-67
Duke of Buckingham	1867-68
Lord Granville	1868-70
Lord Kimberley	1870-74
Lord Carnarvon	1874-78
Sir Michael Hicks Beach	1878-80
Lord Kimberley	1880-82
Earl of Derby	1882-85
Mr F. Stanley	1885-86
Earl Granville	1886
Earl Stanhope	1886-87
Sir H. Holland (Lord Knutsford)	1887-92
Marquis of Ripon	1892-95
Mr J. Chamberlain	1895-1903
Mr A. Lyttelton	1903-05
Earl Elgin	1905-08
Earl of Crewe	1908-10
Mr L. Harcourt	1910-15
Mr A. Bonar Law	1915-16
Mr (Lord) Long	1916-19
Lord Milner	1919-21
Mr W. S. Churchill	1921-22
Duke of Devonshire	1922-24
Mr J. H. Thomas	1924
Mr L. Amery (from 1925 also Dominions Secretary)	1924-29
Lord Passfield (also Dominions Secretary)	1929-30
Mr J. H. Thomas (Dominions Secretary)	1930-35
Mr Malcolm Macdonald (Dominions Secretary)	1935-39
Sir Thomas Inskip (Dominions Secretary)	1939
Mr Anthony Eden (Dominions Secretary)	1939-40
Lord Caldecote (Dominions Secretary)	1940
Lord Cranborne (Dominions Secretary)	1940

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